

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT

AGENDA

ROSE ROOM

CREEKMORE PARK COMMUNITY CENTER

5:30 P.M.

APRIL 11, 2017

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MARCH 14, 2017

III. STAFF COMMENTS AND PROCEDURES

1. A request by Kelly Wilson, agent for William & Stephanie Overton, for development plan approval for a side yard setback from 100 feet to 60 feet for a building addition located at 3600 Utica Street.
2. Rezoning #5-4-17; A request by Ron Brixey, agent for Alejandro Fuentes, for a zone change from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification located at 7301, 7401 and 7501 Massard Road. (companion item to item #3)

RECESS PLANNING COMMISSION

CONVENE BOARD OF ZONING ADJUSTMENT

3. Variance #11-4-17; A request by Ron Brixey, agent for Alejandro Fuentes, for a variance from 300 feet to 210 feet minimum driveway separation on a boulevard located at 7401 and 7501 Massard Road. (companion item to item #2)

RECESS BOARD OF ZONING ADJUSTMENT

RECONVENE PLANNING COMMISSION

4. Rezoning #6-4-17; A request by Josh Karston, agent for 7320 Rogers Avenue, LLC, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension located at 7320 Rogers Avenue.
5. Home Occupation #1-4-17; A request by Maria Magdalena Posada for a home occupation for a janitorial business located at 709 South 19th Street.

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

6. Conditional Use #6-4-17; A request by Rodney Ghan for a conditional use for a restaurant drive thru located at 1923 Grand Avenue.
7. Conditional Use #7-4-17; A request by Dean Pendergrass, agent for Clovis Breeden, for a conditional use for an auto and paint shop (new parts) located at 6006 Highway 71 South.
8. Conditional Use #8-4-17; A request by J. T. Griffith, agent for Wheeler Avenue Church of Christ, for a conditional use for a church (fellowship hall) located at 5724 Wheeler Avenue. (companion item to item #9)

RECESS PLANNING COMMISSION

RECONVENE BOARD OF ZONING ADJUSTMENT

9. Variance #9-4-17; A request by J. T. Griffith, agent for Wheeler Avenue Church of Christ, for a variance from Section 27-602-4C-8 requirement for a permanent opaque 6' screen fence or landscape buffer adjacent to residential properties located at 5724 Wheeler Avenue. (companion item to item #8)
10. Variance #10-4-17; A request by Elizabeth Smith for a variance from 20 feet to 0 feet exterior side yard setback located at 1518 South 11th Street.
11. Variance #12-4-17; A request by Industrial Service Company, agent for Mars Petcare U.S. Inc, for a variance from 100 feet to 36 feet exterior side yard setback located at 10000 Roberts Boulevard.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MARCH 14, 2017**

On roll call, the following Commissioners were present: Bob Cooper, Jr., Sarah Howe, Rett Howard, Vicki Newton, Don Keese, Marshall Sharpe and Josh Carson. Commissioner Talicia Richardson was absent.

Chairman Sharpe then called for the vote on the minutes from the February 14, 2017, Planning Commission meeting. Motion was made, seconded and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Unified Development Ordinance Amendment (Appendix A – Land Use Matrix – Animal Shelter permitted in Commercial-4 and Commercial-5 zones)

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to add animal shelter as a permitted use in the Commercial-4 and Commercial-5 zoning Districts. Mr. Bailey noted that at this time, an animal shelter is only permitted in the Industrial zoning districts. Mr. Bailey stated that the Sebastian County Humane Society located on Kelley Highway is in a Commercial-4 zone and this amendment would allow them to make necessary upgrades or additions to their facility.

No one was present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the UDO amendment request. The vote was 7 in favor and 0 opposed.

2. Rezoning #4-3-17; A request by Leo Anhalt, agent for Saint Scholastica Academy, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District (PZD) by Classification located at 1315 South Albert Pike Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to permit the construction of a 31,000 square foot one-story monastery with associated parking and landscaping. It was noted that a neighborhood meeting was held on Monday, March 6, 2017, at 6:00 p.m. at St. Scholastica with two (2) surrounding property owners in attendance who expressed no opposition to this rezoning request.

Drucilla Hughart of 1300 South Albert Pike spoke about her concerns regarding the location of the proposed parking area. It was noted by Kyle Salyer with Hawkins-Weir Engineers that the proposed parking lot was approximately 40 feet from the right-of-way and would have 10' wide landscape buffer between it and the street.

Mike Rappeport of 904 South Albert Pike asked what were the future plans for the existing monastery. Sister Maria DeAngeli responded that at this time, there were no plans for the building. However, if no new use could be found for the building, the monastery would likely be demolished due to the expense of maintaining the building.

Following a discussion by the Commission, motion was made, seconded and carried unanimously to amend this request to make approval subject to the final detailed construction plans being submitted for review and approval for compliance to all City development codes.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed.

3. A request by Ron Brixey, agent for Johnny Nguyen and Chau Do, for development plan approval for a multifamily development located at 6901 Wells Lake Road.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a 21-unit apartment complex in the northeasterly corner of the site.

Mr. Ron Brixey was present to speak on behalf of this request.

Nicole Swanson with ERC spoke with concerns that the proposed development did not match the quality of two existing ERC developments that were adjacent to the proposed multifamily development. Justin Underwood, 3305 Leigh's Hollow, also spoke with concerns about the quality of the proposed development. Mr. Underwood stated that he is building duplexes in The Havens, which is adjacent to the proposed development. He stated that he was concerned that the quality of the buildings, landscaping and fencing was not consistent with the quality of The Havens. Mr. Underwood also expressed concerns with the future management of the property.

Following a discussion by the Commission, motion was made, seconded and carried to amend this request to make approval subject to the following:

- The development plan for the apartment building is approved for general compliance. Specific and final construction plans must be submitted for review and approval prior to a building permit being issued. Final plans must comply with all development and construction codes.

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All signs shall require the submittal of a sign permit application for review and approval prior to the issuance of a building permit.

Chairman Sharpe then called for the vote on the development plan request as amended. The vote was 5 in favor, 0 opposed and 2 abstentions (Cooper, Carson).

4. Conditional Use #3-2-17; A request by Hoa Tran for a conditional use for a convention/events center located at 4000 North “O” Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for one of the empty suites located at 4000 North “O” Street to be rented and utilized as a convention/event center to hold birthday parties, weddings and other special events. It was noted that no site changes are being proposed.

It was noted that a neighborhood meeting was held on January 20, 2017, at 2:00 p.m. on site with no neighboring property owners in attendance.

It was also noted that the Planning Commission had reviewed a similar conditional use request at the February 14, 2017, meeting; however, new and additional information was received following the February Planning Commission meeting. Mr. Tran has since written a letter detailing the items he has implemented in order to assure his shopping center is an asset to the neighborhood. Also, it was noted that an updated letter from the Police Department removing their opposition from the event center with Mr. Tran’s assurance to hire off duty police officers as security.

Mr. Hoa Tran was present to speak on behalf of this request.

Doug Skokos, 3723 Jenny Lind, spoke with concerns about the type of events that could be held, such as concerts, dance clubs, teen clubs, etc.

Robert Bowen, 1512 North 41st Street; Debra Gechter, 1457 North 41st Street and Alberto Martinez, 1456 North 40th Street were present to speak on behalf of this request.

Following a discussion by the Commission, motion was made, seconded and carried to amend this request to make approval subject to the following:

- All dumpsters on site shall be screened by an opaque screening fence and be accessible by the Fort Smith Sanitation Department.
- The conditions within your letter dated March 6, 2017, concerning trash, hours of operation and off duty police officers shall provide security for all events held at the events center and compliance with City nuisance ordinances.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

5. Conditional Use #5-3-17; A request by Chris Owens, agent for J. Max Van Hoose, Harp's Food Stores, Inc., for a conditional use for a mobile food court (2 vendors only) located at 3401 South 74th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this conditional use request is to allow for two (2) mobile food vendors to be located on the same street in the same parking lot.

Mr. Chris Owens was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. The vote was 7 in favor and 0 opposed.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #8-3-17; A request by Mary McGetrick, agent for ERC Properties, for a variance from 32 square feet to 76.3 square feet and from 12 square feet to 91 square feet maximum size of a sign located at 8101 McClure Drive.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the installation of two monument signs. One sign is being proposed at the intersection of Massard Road and McClure Drive and the second sign is being proposed on McClure Drive. It was noted that the applicant has applied and received variance approval from the size requirements from the Chaffee Crossing Design Review Committee.

It was noted that the City's utility department does not approve of the sign variance for sign #1 at the intersection of Massard Road and McClure Drive due to conflicts with a

water line that parallels McClure Drive. It was also noted that the utility department has no issues with sign #2 adjacent to McClure Drive.

Nicole Swanson with ERC was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, motion was made, seconded and carried to amend this request to make approval subject to the following:

- No additional signs shall be permitted with the exception of small wall signs near tenant entry doors.
- No sign permit shall be issued for sign #1 being proposed at the intersection of Massard Road and McClure Drive until the conflict with the sign's location and the existing water line is resolved with the city utility department.
- The #2 sign on McClure shall be installed at the location as shown on the approved plan.
- A sign permit application for both signs shall be submitted for staff review and approval prior to the installation of the signs.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

Meeting Adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2017

Re: Development Plan Review - A request by Kelly Wilson, agent for William & Stephanie Overton, for Planning Commission consideration of a Development Plan request for approval of a side yard setback from 100 feet to 60 feet for a new contractors building in accordance to Section 27-460(C)-4 of the UDO located at 3600 Utica Street.

PROPOSED DEVELOPMENT PLAN

The Development Plan will allow for the old contractors shop to be demolished and the construction of a new contractors shop. The applicant has added some additional landscaping to the west of the property and proposed a 6' wood screening fence on the west property line adjacent to the residential.

LOT LOCATION AND SIZE

The subject property is on the south corner of the Utica Street and South 36th Street corner. The tract contains an area of 0.97 acres with approximately 143 feet of street frontage along Utica Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned I-1 and is developed as a contractor's shop and storage yard.

The area to the east is zoned I-1 and is developed as Interstate 540.

The area to the south is zoned I-1 and is owned by the same company and developed as and equipment shop.

The area to the west is zoned I-1 and is developed as a single family home.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Utica Street and South 36th Street as local roads.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development plans shows all ingress and egress will occur on Utica Street.

Landscaping – The development plan does show shrubs and trees to the west entrance.

Screening – The development plan shows a privacy fence adjacent to the residential on the western edge of the property.

Parking – Fourteen onsite parking spaces are proposed.

1B

Signage – No new signage is proposed at this time.

Lighting – No new lighting is proposed at this time.

Architectural features – The development proposes a new metal building.

Height and Area –The height of the building is 20 feet.

NEIGHBORHOOD MEETING

The neighborhood meeting requirement was waived. The applicant has attempted to make contact with the single family property owner to the west.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent on the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: 3600 UTICA ST.
3. The above described property is now zoned: I1
4. Does the development plan include a companion rezoning request?
Yes _____ No X
5. If yes, please specify the companion application submitted:
 - ☐ Conventional Rezoning
 - ☐ Planned Rezoning
 - ☐ Conditional Use
 - ☐ Master Land Use Plan Amendment
 - ☐ Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

(Zoning Classification) by _____
(Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
I-1, I-2

8. Total acreage of property 1.05 ACRES

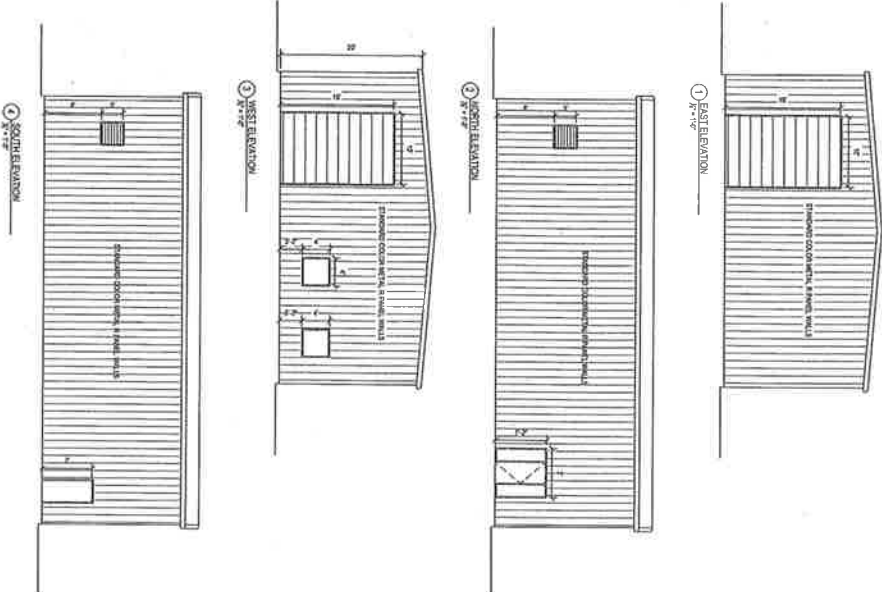
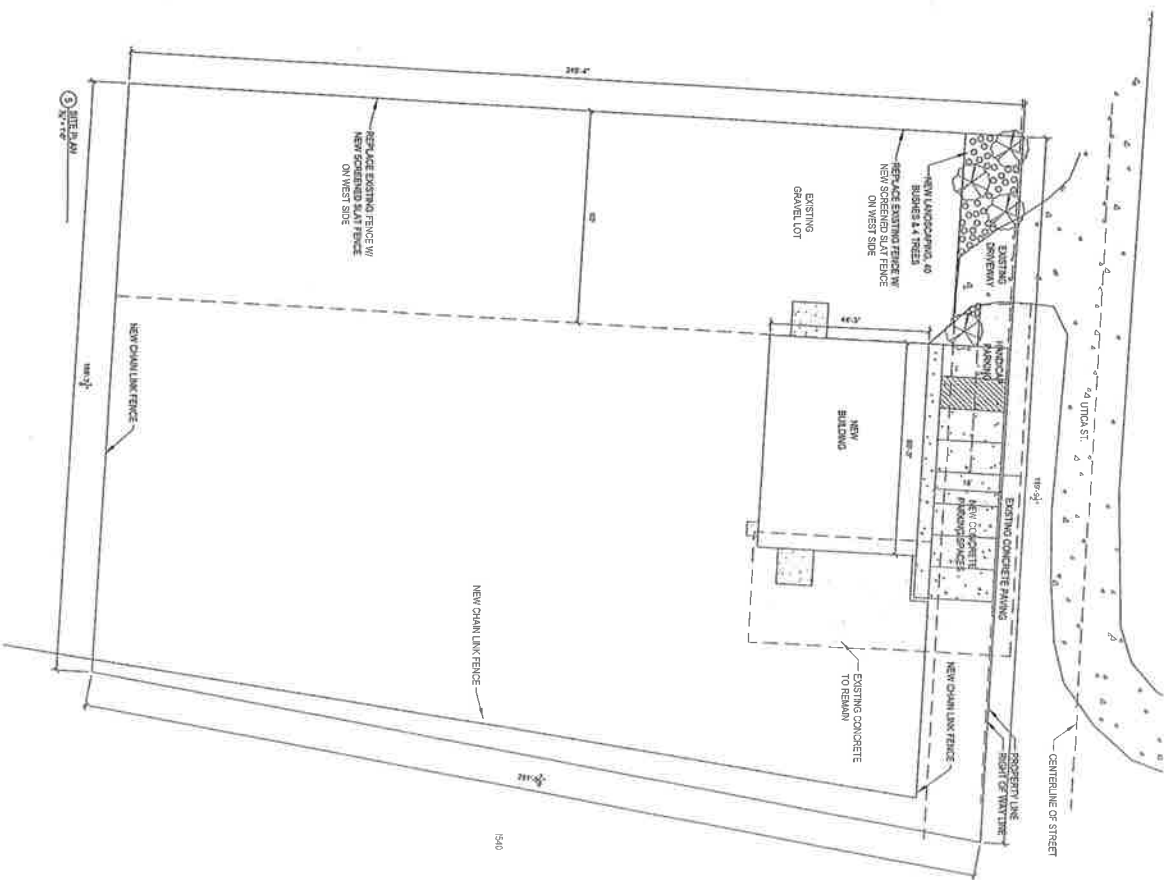
KELLY WILSON
Owner or Agent Name
(please print)

479-646-0846

Owner or Agent Phone Number

or
John G. Ellis
Agent







Δ1 U1

Memo

To: City Planning Commission

From: Planning Staff

Date: March 29, 2017

Re: Rezoning #5-4-17 - A request by Ron Brixey, agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District by classification at 7301, 7401 and 7501 Massard Road

Mr. Ron Brixey, agent for Alejandro Fuentes, has requested the above reference zoning application be tabled for one month to allow the applicant to submit a more detailed development plan. Section 27-307-2 of the UDO states when public notice has been provided and a public hearing is required, the body conducting the public hearing shall decide whether or not to approve the request for continuation and may instead act on the application.

The Planning Commission will need to vote on the tabling of the application. Staff would recommend tabling the item.

Memo

To: City Planning Commission

From: Planning Staff

Date: March 29, 2017

Re: Rezoning #5-4-17 - A request by Ron Brixey, agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District by classification at 7301, 7401 and 7501 Massard Road

PROPOSED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of Massard Road and McClure Drive. The tract contains an area of 6.99 acres with approximately 920 feet of street frontage along Massard Road.

EXISTING ZONING

The property currently has no zoning.

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are currently being developed as offices.

2B

The areas to the east are zoned Not Zoned and are undeveloped.

The areas to the south are zoned Not Zoned and are undeveloped.

The areas to the west are zoned Residential Single Family Medium/High Density (RS-3) and are developed as residential and undeveloped property to the south.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard and McClure Drive as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Future Land Use Plan classifies this site as Mixed Use: Neighborhood Commercial/Office. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Future Land Use Plan.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **N/A**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **YES**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.**

2C

- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The development will comply with the FCRA Design Guidelines and the UDO requirements. The landscaping will comply with the FCRA Design Guidelines which are greater than the UDO. 100% high quality materials are proposed in the project booklet.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Three driveways are provided along Massard Road and one driveway is located on McClure Drive.

Drainage – Drainage will be reviewed when specific and final plans are submitted.

Landscaping & Screening – Perimeter and Parking Lot Screening comply with both the UDO and the Chaffee Crossing Design Guidelines. More information is required to determine the compliance with the Interior Landscaping for Vehicular Use Areas. This exceeds the UDO requirements.

Parking – 329 parking spaces are provided. At this time definite uses and tenants is not known. Parking will be verified at the time of building permit submittal.

Signage – Monument signs are proposed for each lot. These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet. This exceeds the UDO requirements.

Sidewalks – There are existing sidewalks on Massard Road and on McClure Drive.

Architectural – Each façade of every building will be constructed with 100% high quality materials. This exceeds the UDO requirements.

Lighting – All site lighting shall be in compliance with CCDG and the UDO.

Permitted Land Uses – The proposed land use chart is very limited in terms of uses. The land use chart is included in the project booklet.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road

safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.

- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

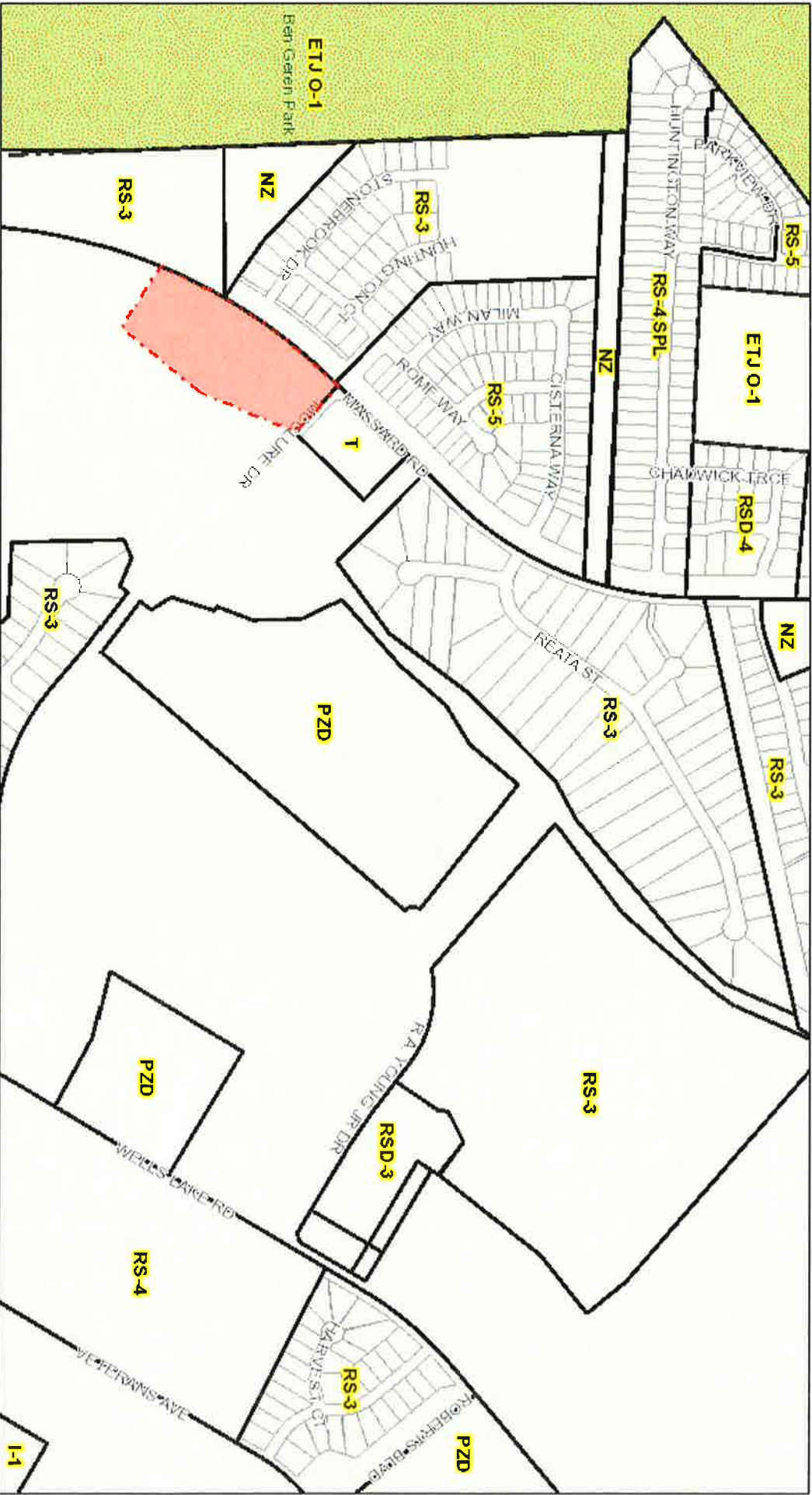
A neighborhood meeting was held Wednesday, March 29, 2017 at the Dallas Street Branch of the Fort Smith Public Library. Approximately 25 people attended the meeting. They voiced concerns relative to use, traffic, drainage, parking, and design. A copy of the attendance record and meeting summary are included in the packet.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant has requested this item be tabled until next month to allow them time to submit a more detailed development plan for Lot 1. Staff recommends tabling the item.

Rezoning #5-4-17: From Not Zoned to Planned Zoning District (PZD) 7301, 7401 and 7501 Massard Road

EF



March 20, 2017

- Fort Smith City Limits
- Parks
- Zoning
- Subdivisions



**FUENTES PLAZA
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: FUENTES PLAZA
AN ADDITION TO THE CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: A PART OF GOVERNMENT LOT 1, SECTION 6
TOWNSHIP 7 NORTH, RANGE 31 WEST
CHAFFEE CROSSING
SEBASTIAN COUNTY, ARKANSAS**

**OWNER: ALEJANDRO FUENTES
8909 ROGERS AVENUE
FORT SMITH, ARKANSAS 72903
PHONE: 479-719-9455**

**SUBMITTED TO: CITY OF FORT SMITH
623 GARRISON AVENUE
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.
P.O. BOX 6180
FORT SMITH, ARKANSAS 72906**

APRIL, 2016


RONALD BRIXEY
ARK. REG. P.E. NO. 4456

**FUENTES PLAZA
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The subject property is currently not zoned. A change in zoning is needed to allow the development of a pedestrian friendly environment with mixed uses that features commercial retail and services that may be accommodated in multi-use structures. A Planned Zoning District will allow flexibility in standards to accommodate a mixed use development rather than suburban style patterns. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

Alejandro Fuentes, 8909 Rogers Avenue, Fort Smith, Arkansas 72903 Phone 479-719-9455.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 7 acres located at the southeast quadrant of the intersection of Massard Road and McClure Drive. The property to the west and northwest across Massard Road with a Land Use classification of Single Family Residential is being developed for single family residential use. The property to the north, across McClure Drive with a Land Use classification of Mixed Use: Neighborhood Commercial/Office is being developed as an office complex. The property to the northeast, across McClure Drive with a Land Use classification of Park/Open Space is McClure Ampitheatre. The property to the east with a Land Use classification of Park/Open Space is a part of Janet Huckabee Nature Center. The property to the south is undeveloped with a Land Use classification of Mixed Use:

Residential/Commercial/Office.

Proposed PZD uses include eating establishments, retail sales, offices, and services. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

3d. General project scope:

i. Street and lot layout

See attached Site Plan.

Access to the site will be from Massard Road on the west and from McClure Drive on the North. Massard Road is classified as a Boulevard by the Master Street Plan. It is currently two lane with a 140 foot wide right of way. McClure Drive is classified as a Major Collector. It is currently two lane with a 70 foot wide right of way.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow City UDO requirements and the FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification subject to an approved variance from the FCRA design review committee (variance to eliminate landscaping along interior side lot lines). Landscaping will be irrigated.

See attached Site Plan.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

See Site Plan.

Water services to the individual lots will be provided by private lines served by master meters. A public sanitary sewer extension will be constructed along Massard Road. Electric service and telephone service lines are proposed to be located underground in the easements delineated on the Site Plan drawing. Gas service is to be located in easements whose locations have not yet been determined.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines and the FCRA Master Development

Guidelines.

viii. Building elevations

Buildings have not been designed. Therefore, elevations are not available.

Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards", and with FCRA Master Development Guidelines "Architectural Character".

ix. Proposed signage (type and size)

Monument type signs are proposed for each lot at the locations shown on the Site Plan Drawing. These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet as specified in the FCRA Development Standards.

Facade signs will comply with FCRA regulations. FCRA limits these signs to 10% of the wall area and may not exceed 4 feet in height.

3e. Proposed development phasing and timeframe

The development is proposed to be constructed in three lots with each lot being a phase i.e. Lot 1 is Phase 1. As shown on the Site Plan drawing.

Phase one construction is to begin August 1, 2017 and be completed by February 1, 2018.

Phase two construction is to begin February 1, 2018 and be completed by January 1, 2019.

Phase three construction is to begin January 1, 2019 and be completed by January 1, 2020.

All dates are approximate.

3f. Identify land use designations

Chaffee Crossing current land use designation is "Mixed Use: Neighborhood Commercial/Office".

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size 1.0 acres

Min. Lot Width at BSL	150 feet
Max. Lot Coverage	60%
Max. Height	40 feet
Addnl. Height	see 27-404 D. of the UDO

Setbacks	
Front	25 feet
Side	20 feet
Street side/corner	25 feet
Rear	20 feet
Minimum Street Frontage	150 feet
Minimum Bldg Separation	per current building or fire code

3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

Comparison is between the proposed PZD restrictions and the FCRA Mixed Use Residential/Commercial/Office restrictions.

	PZD	FCRA
Density	12 DU/Acre 30,000 sf Commercial Bldg	12 DU/Acre (Based on Lot Size) Com. Bldg. Size Not Restricted
Min. Lot Size	1.0 acres	3600 s.f.
Min. Lot Width at BSL	150 feet	40 feet
Max. Lot Coverage	60%	NOT SPECIFIED
Max. Height	40 feet	3 STORY
Addnl. Height	see 27-404 D. of the UDO	NOT SPECIFIED

Setbacks		Res	Non-Res
Front	25 feet	20 feet	NONE
Side	20 feet	10'/5'	NONE
Street side/corner	25 feet	20 feet	NONE
Back	20 feet	10 feet	25' w/alley
Minimum Street Frontage	150 feet	NO SPEC	NO SPEC
Minimum Bldg Separation	per current building or fire code	NO SPEC	NO SPEC

PZD Landscaping

Perimeter Landscaping

Front	20 feet wide, 1 tree & 10 shrubs every 40'
Sides & Back	NONE

Building/Parking Lot Landscaping 1 Shade Tree/8 parking spaces

Parking Lot Screening and Landscaping is to comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification.

FCRA Landscaping

Perimeter Landscaping

Front	20 feet wide, 1 tree & 10 shrubs every 40'
Sides & Back	10 feet wide, 1 tree & 10 shrubs every 40'

Building/Parking Lot Landscaping in parking lots with greater than 20 parking spaces, a minimum of 5 square feet of landscape area is required per 100 s.f. of vehicular use area, located in islands distributed throughout the lot minimum area of a landscape area (island) shall be 64 sf with no individual landscape area exceeding 350 sf unless the lot is greater than 30,000 sf in which case no individual landscape area (island) shall exceed 1,500 sf.

1 Shade Tree/8 parking spaces

Parking Lot Screening and Landscaping requirements will comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification (subject to approved variances from the FCRA design review committee).

Exterior Lighting

Exterior building and site lighting shall comply with CCDG and the UDO

- 3i. **A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. **A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

1. Landscaping

The perimeter landscaping strip across the street frontage will be 20 feet wide - UDO requires 10 feet wide

Perimeter landscaping will include one tree and 10 shrubs every 40 feet - UDO requires one tree and 10 shrubs every 50 feet

Parking lot landscaping will include 1 trees for every 8 spaces

UDO does not require trees in the parking lot landscaping

Parking Lot Screening and Landscaping will comply with FCRA requirements as described in the Development Guidelines

UDO requirements are not as stringent

2. Limited Land Uses

The land uses allowed by the PZD will be limited in comparison with those allowed by comparable zoning designations. See Chart 1.

3. Exterior building materials

100% of the exterior building materials will be high quality materials (Brick) UDO requires 51%

4. Signage

Facade signs will comply with FCRA regulations which exceed UDO regulations. FCRA limits these signs to 10% of the wall area and may not exceed 4 feet in height. UDO facade signs are unlimited in size if placed directly on and contained totally within the dimensions of the outside wall.

3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.

The property to the west and northwest across Massard Road with a Land Use classification of Single Family Residential is being developed for single family residential use. The property to the north, across McClure Drive with a Land Use classification of Mixed Use: Neighborhood Commercial/Office is being developed as an office complex. The property to the northeast, across McClure Drive with a Land Use classification of Park/Open Space is McClure Ampitheatre. The property to the east with a Land Use classification of Park/Open Space is a part of Janet Huckabee Nature Center. The property to the south is undeveloped with a Land Use classification of Mixed Use: Residential/Commercial/Office.

Proposed PZD uses include eating establishments, retail sales, offices, and services. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a

pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

Land Use

The proposed land use of the PZD property is primarily commercial with the intent of providing services for the adjacent single family residential properties and should have very limited impact on these properties. The commercial portion of the PZD property will provide convenient services for the residential neighboring properties.

The PZD development should have no impact on the adjacent transitional property.

The impact on adjacent un-zoned properties cannot be determined at this time.

Traffic

The property in the area of the PZD is gradually being developed at this time with somewhat limited traffic on the access routes. McClure Drive and Massard Road are classified as a Major Collector and a Boulevard respectively. The required rights of way for the two have been dedicated for future upgrades. As development of the area progresses it is anticipated that the City will construct the upgrades. Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.

Appearance

All PZD improvements will be constructed to meet or exceed FCRA requirements which are set up to minimize adverse effects of the appearance of new developments on surrounding properties.

Signage

All signage will comply with FCRA and UDO signage requirements and should have no adverse impact on surrounding properties.

3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).

The City Engineering Department has indicated that a traffic study will be required to be submitted with the final development plan that will be submitted with the initial building permit application.

3m. Statement of availability of water and sewer (state size of lines)

A 10 inch waterline runs along the west side of the project on the east side of Massard Road. An 8 inch sewer line terminates at a manhole near the northwest corner of the property on the south side of McClure Drive.

All above listed lines are shown on the Site Plan drawing.

CHART 1 - PZD USES VERSUS EXISTING ZONE DESIGNATIONS

Fort Smith Use Matrix		Districts	
P = Permitted Use, C = Conditional Use, A = Accessory Use Size or density restrictions for any use may be noted in the district Residence or Accommodation			
General Sales or Services			
Automobile Sales or Service			
Clothing and personal items (repair)			
Computer and software shop			
Electronics and appliances (new)			
Furniture or home furnishings (new)			
Durable Consumer Goods Sales or Service			
Bicycle sales and service			
Bookstore			
Cameras, photographic supplies and services			
Clothing, jewelry, luggage, shoes, accessories			
Gift shop			
Sporting goods, toys, & musical instruments			
Consumer Goods, Other			
Florist shop			
Grocery, Food, Beverage, Dairy			
Bakery or confectionery shop			
Farmer's market			
Health and Personal Care			
Optical shop			
Pharmacy or drug store			
Finance and Insurance			
Bank, credit union, or savings institution			
Insurance office			
Rental and Leasing			
Business, Professional, Scientific, and Technical Services			
Professional Services			
Accounting, tax, bookkeeping, payroll			
Architectural, engineering			
Offices, general			
Real estate agency			
Food Services			
Restaurant			
Personal Services			
Barber shop/salon/spa/massage services			
Laundry, cleaner			
Laundry, cleaner (drop-off station)			
Pet and animal services			
Pet shop			
Fitness, Recreational Sports, Athletic Club			
Fitness studio			
Health and Human Services			
Doctor/office and clinic			



VICINITY MAP
SCALE: 1" = 500'

LEGEND

GAS LINE	---
WATERLINE	---
WATER METER	⊕
FIRE HYDRANT	+
SAN. SEWER SERVICE	---
SEWERLINE	---
WATER SERVICE	---
EASEMENT LINE	---
BUILDING SETBACK LINE	---
OVERHEAD ELECTRIC	---
CONCRETE CURB	---
SIDEWALK	---
CONCRETE PAVING	---

DEVELOPER:
ALEJANDRO FUENTES
8509 ROGERS AVENUE
FORT SMITH AR 72903
479-264-2282

SETBACKS:
FRONT = 25'
SIDE = 20'
STREET SIDE = 15'
REAR = 20'

CURRENT ZONING - NONE
PROPOSED ZONING - P2D

PARKING:
GROSS FLOOR AREA IS 58,000 SQUARE FEET = 326 PARKING SPACES PROVIDED

TRASH COLLECTION
ALL WASTE AND TRASH WILL BE DEPOSITED IN THE PROVIDED DUMPSTERS.

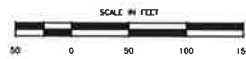
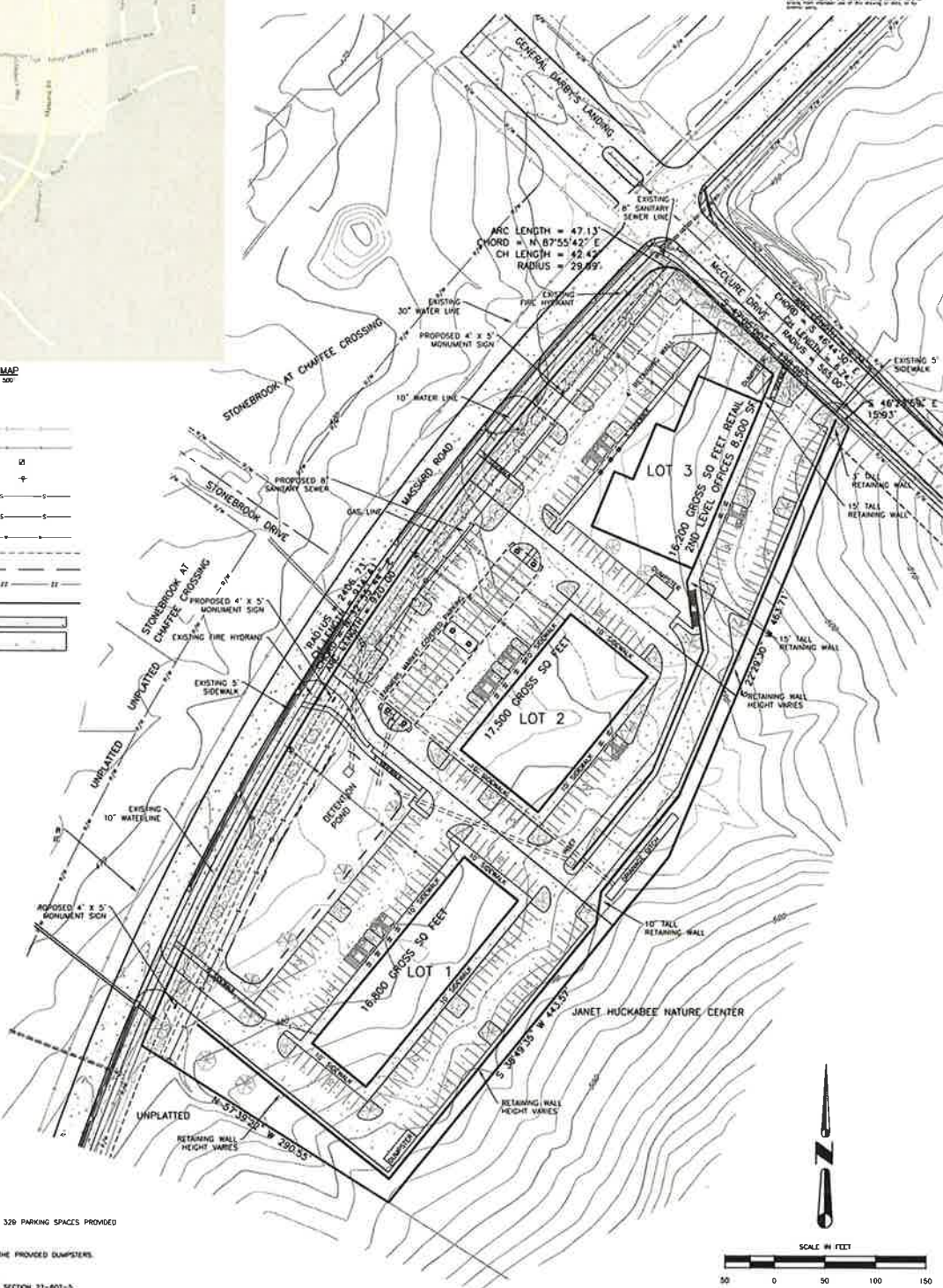
EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UGO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY

PROPOSED LANDSCAPING/SCREENING
Landscape Screening shall consist of shrubs of evergreen nature, providing a continuous row of vegetation that is equally effective in winter and summer and be a minimum of 24" of planting. Automatic irrigation will be provided for all landscaping.

- 1/2" CALIPER WILLOW OAK TREE: 1x Interior (3 per Acre) / 16 Perimeter Buffer
- REDWOOD TREE: 10 Perimeter Landscaping
- CREPE MYRTLE TREE: 1x Interior Landscaping
- 24" BOXWOOD SHRUBS: 1x Interior Parking / 280 Perimeter Buffer
- LANDSCAPE ISLANDS
- VERTICAL RETAINING WALL

LOT	GROSS AREA	VEGETATED	DEVELOPED
1	128,000.68 S.F. / 2.89 AC	42%	58%
2	93,330.78 S.F. / 2.14 AC	21%	79%
3	85,581.75 S.F. / 1.96 AC	33%	67%



FLOOD ZONE STATEMENT
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 03121C0130F, DATED MARCH 2, 2012

PROPERTY DESCRIPTION
Part of Government Lot 1 of the Southwest Quarter (SW/4) of Fractional Section 8, Township 2 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:
Commencing at the Northeast Corner of said Government Lot 1 of the SW/4; thence N 87°24'51" W, 60.78 feet along the North line of said Government Lot 1 to a point on the Westerly right of way line of Massard Road; thence 724.18 feet along the Arc of a curve to the right in said Westerly right of way line, said curve having a radius of 1430.00 feet and being subtended by a chord having a bearing of S 30°00'48" W, and a distance of 716.47 feet; thence S 44°31'17" W, 774.78 feet along said right of way line; thence S 47°05'00" E, 189.37 feet being the Point of Beginning; thence continuing S 47°05'00" E, 188.06 feet; thence 8.74 feet along the Arc of a curve to the right, said curve having a radius of 365.00 feet and being subtended by a chord having a bearing of S 48°44'30" E, and a distance of 8.74 feet; thence S 48°23'36" E, 13.83 feet; thence S 22°39'30" W, 483.71 feet; thence S 38°48'35" W, 443.57 feet; thence N 57°35'22" W, 280.54 feet to the Easterly right of way line of said Massard Road; thence 920.00 feet along the Arc of a curve to the right in said Easterly right of way line, said curve having a radius of 2406.73 feet and being subtended by a chord having a bearing of N 32°55'44" E and a distance of 914.41 feet; thence 471.13 feet along the Arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 87°55'42" E and a distance of 42.42 feet to the point of beginning, containing 7.00 Acres more or less.

BRIKEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS -- LAND SURVEYORS
8823 East Highway 45 P.O. Box 4980 Fort Smith, Arkansas 72906 (479) 646-6394



Revised: 3/24/12 - SHI - JEMER



DEVELOPMENT PLAN
FUENTES PLAZA
"CHAFFEE CROSSING"
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared For: Alejandro Fuentes

Date: 3/26/12
Drawn By: JEM
Reviewed: JEM
Job No: 17-0002
Sheet #: 2 of 2
Title:

2P

PZD BOOKLET
(LAST PAGE)

March 29, 2017

MINUTES OF NEIGHBORHOOD MEETING
7301 TO 7501 MASSARD ROAD, FUENTES PLAZA

On March 29, 2017 at 4:30 p.m. a Neighborhood meeting was held in the community room at the Dallas Street branch of The Fort Smith Public Library. The address of the library is 8100 Dallas Street to discuss a proposed zoning change from not zoned to a PZD and a zoning variance for driveway separation request with neighboring property owners. The change and variance were initiated by Alejandro Fuentes the owner of the property. The proposed project "Fuentes Plaza" is to be a mixed use facility. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

The proposed development plan will require that two driveways entering Massard Road (which is classified as a boulevard by the Fort Smith Master Street Plan) be spaced approximately 220 feet apart. The City zoning ordinances specify that the minimum driveway separation of driveways entering a boulevard is to be 300 feet. In order to remain in compliance with City codes, a zoning variance for driveway separation must be applied for and granted.

Twenty five people were in attendance. The City was represented by Maggie Rice of the Planning Department. Ron Brixey of Brixey Engineering presided. Louis Lopez represented Mr. Fuentes. Twenty two in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed usage and land use possibilities limitations provided for in the PZD application as well as the specific reasons for the request for a zoning variance for driveway separation. Mrs. Rice explained the limitations of the proposed zoning in detail. Mr. Lopez contributed details concerning the overall scheme of operations. A general discussion of the proposed usage and potential repercussions to the community was conducted. Items of concern included the following:

1. The proposed hours of operation and actual activities to be conducted.

Mr. Lopez answered several questions in this regard.

2. Effects on traffic, and plans for adding additional lanes to Massard Road, and plans for a traffic light at the Massard Road/ McClure Drive intersection

Mr. Brixey and Mrs. Rice addressed these concerns based on information provided by Don Chavis of the City Engineering Dept.

Basically, the City has plans for the street improvements and will commence construction at such time as traffic volumes justify the changes as determined by the City Board of

2 R

Directors.

3. A great deal of concern was expressed regarding the FCRA land use designation of the property.

It was stated that the land use was designated as a park area at the time the residents purchased their homes and has now been changed to Mixed Use: Neighborhood Commercial/Office. No representative of the FCRA was present to address this issue. There was a general consensus to send a group to FCRA to discuss this concern.

4. Items of concern discussed by the group in general included land use, appearance, parking, landscaping, driveway locations, and continuation of commercial uses on the east side of Massard Road.

Some residents expressed objections to the proposal and some did not.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Library, 8100 Dallas Street

Meeting Time & Date 4:30 PM, March 29, 2017

Meeting Purpose Discuss Zone Change and Driveway Variance

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Mr & Mrs AJ Lee	8008 Rome Way	434-4110
2.	Mrs Hilda Caldwell	6922 Milan Way	649-8865
3.	Mrs ROHENA CABERTON	7107 MILAN WAY	646-9425
4.	Ms Billie Bracken	8005 Cisterna	452-4223
5.	Carol Whiteneck	6901 Naples Way	479-222-6767
6.	Victor Hau	7010 NAPLES WAY	479-459-6991
7.	T.G. & Garry Carroll	8004 Rome Way	479-651-7736
8.	Cindy Young	7301 Stonebrook Dr.	334-462-6126
9.	Beth Boughtman	8212 Cistern Way	646-6947
10.	Brad Bolin	7304 Stonebrook DR	870-500-8898
11.	Ashley Bolin	" " "	870-500-3374
12.	Branden Cox	7305 Elsworth	479-651-5875
13.	Jennifer Kelly	7079 Milan Way	479-414-2679
14.	Jane Sanders	7008 Milan Way	479-484-1151
15.	Law Novicki	8001 Cisterna Way	479-763-1873
16.	Mark Hite	6921 Milan Way	479-462-7992
17.	Nancy Taylor	8226 Cisterna Way	479-806-6731
18.	Mr & Mrs Pat Wanket	6925 Milan Way	479-420-0341
19.	Larry Denver	7118 Milan Way	
20.	City of Fort Smith Planning Dept.		
21.	RON BRIXEY		
22.	LOUIS LOPEZ		

2T

Andrews, Brenda

From: Diane Meador [dmeador@carringtoncreek.com]
Sent: Tuesday, March 28, 2017 9:10 AM
To: Andrews, Brenda
Subject: 7301 to 7501 Massard

Brenda,

I live at 7300 Stonebrook Dr. and I would like to respond to the letter that you sent concerning the rezoning for the development across from the Stonebrook Subdivision. I am not opposed to the rezone, but I am concerned about having two driveways entering Massard so close together. The traffic on Massard is already very heavy, especially early morning and late afternoon which already makes it difficult to exit our subdivision. I will not be able to attend the meeting Wednesday.

Thanks,

Diane Meador

Accounts Payable Manager

Carrington Creek Homes

Phone 479-434-3949

Fax 479-434-5442



CARRINGTONCREEK
HOMES

Andrews, Brenda

From: Cary Smallwood [csmallwood@carringtoncreek.com]
Sent: Monday, March 27, 2017 3:54 PM
To: Andrews, Brenda
Cc: Bailey, Wally; Diane Meador; Matt Edwards; Terri Smallwood; Mont Sagely; Brandon Cox
Subject: 7301 to 7501 massard
Attachments: Cary Smallwood.vcf

Brenda,

We have received the LOI for the proposed PZD on Massard Road across from StoneBrook Subdivision.

We are not in opposition of the rezone or the development, I think it's great as a matter of fact.

We are in opposition to the access.

The letter received calls for two driveways entering massard at 220 lineal feet apart from each other.

We are in opposition of said driveways.

We would be in agreement or would prefer a entrance to McClure and a entrance to Massard so that all the traffic would not be unloading on massard.

We worry about traffic for our residents leaving or entering Stonebrook or Reata

I cannot be in attendance to the neighborhood meeting

Regards

Have a great day



Andrews, Brenda

From: Cary Smallwood [csmallwood@carringtoncreek.com]
Sent: Thursday, March 30, 2017 11:00 AM
To: Andrews, Brenda
Cc: Matt Edwards; Brandon Cox; Diane Meador
Subject: zoning hearing
Attachments: Cary Smallwood.vcf

Brenda,

Since Brixey's meeting yesterday on the zoning proposal for 7301...7305 Massard I have burned up my morning on phone calls in opposition of said proposal. I believe you will have your hands full with the neighbors at the zoning hearing.

The preliminary drawing reflects 3 outlets on Massard and one outlet on McClure.
The preliminary drawing also reflects over 400 parking spaces in the proposal.
The preliminary drawing does not give a good description of the use of the spaces.
It was also revealed that there was no plan in the clearing of the property.
Will the spaces be retail or will they be office.
What will be the requirements for green space.

As I said in prior email, I'm not in opposition of mixed use, I do however have concerns with the additional spaces and their use. I also have concern with the traffic generated as a result of this approval.

We have just purchased an additional 4 acres on Massard adjoining Stonebrook. This totals 18 acres that we will develop as residential properties. We have concerns today that this proposed zoning change could affect the performance of our subdivision and our future developments.

I believe today after hearing all the complaints from the neighbors, that the proposal should be tabled until a time when the developer can give a more detailed description of the use of said property. I also believe that time must be provided so that the city may have proper time for evaluation.

Chaffee crossing should be a place for the future. A place for growth. A place for families. Your first impression as you enter Chaffee crossing is a mini-storage and an apartment complex. Before this zoning change is granted, use this opportunity to "clean up the entrance to Chaffee crossing".

Regards

Have a great day



2W

Andrews, Brenda

From: Brandon Cox [bcox@propak.com]
Sent: Thursday, March 30, 2017 5:32 PM
To: Andrews, Brenda; Cary Smallwood; Rice, Maggie
Cc: Matt Edwards; Diane Meador
Subject: RE: zoning hearing

Hi Brenda,

In my short review since the meeting, I would like to provide a few initial thoughts and two questions.

- Some people in the meeting stated this was designated as a park at one point. Was this property ever changed from a park type area to a commercial area? If so, what year?
- Who gave approval to remove the trees while the property is currently not zoned and on a major boulevard?
- I would like to see significantly less parking. At 356 parking locations this does not transition well at all with the neighborhood especially when considering the safety of people walking, jogging, biking that area.
- I don't support the variance for additional exits. I'd rather see a much scaled down version that transitions better with the neighborhood.
- I'd prefer to see much more parking behind the building.
- I believe some minimum development plan should be included to make sure the design standards are exceeded and transitions well with the neighborhood before the land use plan change is voted on.
- I believe the restaurant should be a conditional use unless it has a development plan attached. Ron stated more parking may be needed in the future if the restaurant goes thru. I'm opposed to more parking.
- I would like to see more green space and trees on the front of the property so the property transitions well for the neighbors.
- Lastly, any preference you can give to more transitional office space vs C-2 retail in the PZD should be beneficial to the area for the long term.

This area will set a precedent for other neighborhoods in Chaffee Crossing – let's get this one right for our community.

Thanks in advance for your consideration,

Brandon

From: Andrews, Brenda [<mailto:bandrews@FortSmithAR.gov>]
Sent: Thursday, March 30, 2017 1:09 PM
To: Cary Smallwood <csmallwood@carringtoncreek.com>
Cc: Matt Edwards <MEdwards@carringtoncreek.com>; Brandon Cox <bcox@propak.com>; Diane Meador <dmeador@carringtoncreek.com>
Subject: RE: zoning hearing

Cary:

Thanks for the comments.

Regarding the proposed land uses, attached is the chart from the application showing the proposed uses. A restaurant is one proposed use. The other uses are light retail and office.

24

479-646-6394 ext. 1
Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

A part of Government Lot 1, Section 6, Township 7 North, Range 31 West,
Sebastian County, Arkansas

7301, 7401 and 7501
Address of property Massard Road has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith, Arkansas, to request a zone change from
Not Zoned to a Planned Zoning District by Classification.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

A part of Government Lot 1, Section 6, Township 7 North, Range 31 West
Sebastian County, Arkansas

A complete description is attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

All requirements of the FCRA Design Guidelines


Signature

(If no restrictive covenants exist, indicate "none".)*

22-1

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	<u>NAME</u>	<u>ADDRESS</u>
1.	List Attached	
2.		
3.		
4.		
5.		
6.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

27-2

FUENTES, ALEJANDRO
8909 ROGERS AVE
FORT SMITH, AR 72903-5248

FORT CHAFFEE REDEV. TRUST
P O BOX 11165
FORT SMITH, AR 72917

ERC LAND DEVELOPMENT
GROUP, LLC
P O BOX 3945
FORT SMITH, AR 72913

CITY OF FORT SMITH/
MCCLURE AMPITHEATRE
P O BOX 1908
FORT SMITH, AR 72902

NORRIS & KINDRICK, LLC
4704 CHESTNUT WAY
FORT SMITH, AR 72903

HOUSE OF RESTORATION
P O BOX 181240
FORT SMITH, AR 72918

Fort Smith, AR 72916

CARRINGTON CREEK
HOLDING
PO BOX 11288
FORT SMITH, AR 72917
12129 SAPLING DR
Fort Smith, AR 72916

BOLIN, BRADLEY C & ASHLEY
F
7304 STONBROOK DR
YOUNG, DOUGLAS &
CYNTHIA
7301 STONEBROOK DR
Fort Smith, AR 72916

MEADOR, KEITH & DIANE

RAMSEY, JIMMY & DEANNA
7908 ROME WAY
Fort Smith, AR 72916

SMITH, DARRIN & ANGEL K
1114 PERSIMMON ST
Greenwood, AR 72936

TAYLOR, E BETH
8000 ROME WAY
Fort Smith, AR 72916

MCCARTY, JANE L TRUST
MCCARTY, JANE L TRUSTEE
7144 E PARADISE RANCH RD
Paradise Valley, AZ 85253
Fort Smith, AR 72916

LEE, ARLYNN J. & ANN P.
8008 ROME WAY
Fort Smith, AR 72916

BOREHAM, J 2010 TRUST
BOREHAM, JUDITH P A
TRUSTEE
8012 ROME WAY

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Alejandro Fuentes</u>	<u>8909 Rogers Avenue, Fort Smith, Ar. 72903</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. Alejandro Fuentes
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SIGNATURE OF ALL OWNERS?

Alejandro Fuentes

This form is necessary only when the person representing this request does not own all property.

PROPERTY DESCRIPTION

Part of Government Lot 1 of the Southwest Quarter (SW/4) of Fractional Section 6, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 1 of the SW/4; thence N 87°24'51" W, 60.78 feet along the North line of said Government Lot 1 to a point on the Westerly right of way line of Massard Road; thence 724.18 feet along the Arc of a curve to the right in said Westerly right of way line, said curve having a radius of 1430.00 feet and being subtended by a chord having a bearing of S 30°00'48" W, and a distance of 716.47 feet; thence S 44°31'17" W, 774.79 feet along said right of way line; thence S 47°05'00" E, 169.37 feet being the Point of Beginning; thence continuing S 47°05'00" E, 198.06; thence 6.74 feet along the Arc of a curve to the right, said curve having a radius of 565.00 feet and being subtended by a chord having a bearing of S 46°44'30" E, and a distance of 6.74; thence S 46°23'59" E, 15.63 feet; thence S 22°29'30" W, 463.71 feet; thence S 38°49'35" W, 443.57 feet; thence N 57°39'22" W, 290.54 feet to the Easterly right of way line of said Massard Road; thence 920.00 feet along the Arc of a curve to the right in said Easterly right of way line, said curve having a radius of 2406.73 feet and being subtended by a chord having a bearing of N 32°55'44" E and a distance of 914.41 feet; thence leaving said right of way line, 47.13 feet along the Arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 87°55'42" E and a distance of 42.42 feet to the point of beginning, containing 7.00 Acres more or less.

Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: April 7, 2017
Subject: Variance #11-4-17 driveway separation variance for 7401-7501 Massard Road

Mr. Ron Brixey, agent for Alejandro Fuentes, submitted a variance application for the subject driveway separation variance. Subsequent to the submittal of the variance application, the site/development plan has been amended so that the driveway separation variance is no longer needed.

Fort Smith Municipal Code Section 27-306-3 states that when a notice has been provided and a public hearing is required, the body conducting the hearing shall decide whether or not to approve the withdrawal request and may still decide to act on the application.

The Board of Zoning Adjustment will need to vote on the withdrawal.

3A

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2017

Re: Rezoning #6-4-17 - A request by Josh Karston, agent for 7320 Rogers Avenue, LLC, for Planning Commission consideration of a rezoning request from Transitional (T) to Commercial Heavy (C-5) by extension located at 7320 Rogers Avenue

PROPOSED ZONING

The property currently has a split zoning designation of Transitional (T) and Commercial Heavy (C-5). The request to rezone the area zoned Transitional to Commercial Heavy (C-5) will eliminate the split zoning and is considered a corrective rezoning. The rezoning would eliminate several non-conforming uses on the site and better correspond with the surrounding zoning and land uses.

LOT LOCATION AND SIZE

The subject property is on the southwest side of the Rogers Avenue and South 74th Street intersection. The tract contains an area of 3.77 acres with approximately 180 feet of street frontage along Rogers Avenue and approximately 390 feet of street frontage along South 74th Street.

REQUESTED ZONING

The requested zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

4A

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

EXISTING ZONING

The existing zoning on this tract is Transitional (T) and Commercial Heavy (C-5). The description of the Commercial Heavy is listed above and the characteristics of the transitional zoning are listed below.

Characteristics of the Transitional zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is part of the site's existing developed shopping center. The property further north (across Rogers Avenue) is zoned Transitional and is developed as a hospital.

The area to the east is zoned Commercial Heavy (C-5) and developed with banks, furniture store, indoor flea market (Brick City), and a restaurant.

The area to the south is zoned Transitional (T) and is developed as the United States Postal Service.

The area to the west is zoned Commercial Heavy (C-5) and is developed as parking for a restaurant and an undeveloped area.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue and South 74th Street both as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities and meet the consumer needs of the community. The requested zone change will not pose a conflict with the existing land use classification.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, April 5, 1:00 p.m., at 4611 Rogers Avenue. A representative of one neighboring property owner attended the meeting, but had no objections.

STAFF COMMENTS AND RECOMMENDATIONS

Staff considers the applicant's request a corrective rezoning and recommends approval. In staff's opinion, the proposed rezoning is compatible with the existing development and surrounding zoning and land uses.



Brenda Andrews
City Of Fort Smith
Planning and Zoning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

April 5th, 2017

RE: 7320 Rogers Avenue Neighborhood Meeting

Brenda,

A neighborhood meeting was held April 5th, 2017, from 1:00 PM to 1:30 PM for all property owners within 300 feet of 7320 Rogers Avenue, Fort Smith, Arkansas.

Mr. David Springer, representing Mercy Hospital, was the only attendee. He had no concerns over the corrective rezoning of 7320 Rogers Avenue. He did ask what the plans were for the private street behind the site being rezoned. It was explained to him that the private street was not part of the property being rezoned. He was not opposed to the rezoning.

Feel free to contact me at any time for any questions or concerns you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Josh Karsten'.

Joshua S. Karsten
Ghan & Cooper Commercial Properties

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 4611 Rogers Ave. Suite 200

Meeting Time & Date 1:00 PM 4-5-2007

Meeting Purpose _____

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	David Springer	Mercy Hospital	314-8109
2.	Bill Stiplin	CDFS	784-2211
3.	Bob Cooper	4611 Rogers Ave.	478-6161
4.	Tyler Teague	4611 Rogers Ave.	478-6061
5.	Josh Karsten	4611 Rogers Ave.	478-6161
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

2. Address of property: 7320 Rogers Avenue, Fort Smith, AR 72903

3. The above described property is now zoned: T

4. Application is hereby made to change the zoning classification of the above described property to C-5 by Extension.
(Extension or classification)

5. Why is the zoning change requested?
We are requesting a zoning change to make the entire
parcel, one uniform classification

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Josh Korsten / Tyler Teague
Owner or Agent Name
(please print)

Owner

4616 Rogers Ave, Ste 200, Ft. Smith, AR
Owner or Agent Mailing Address

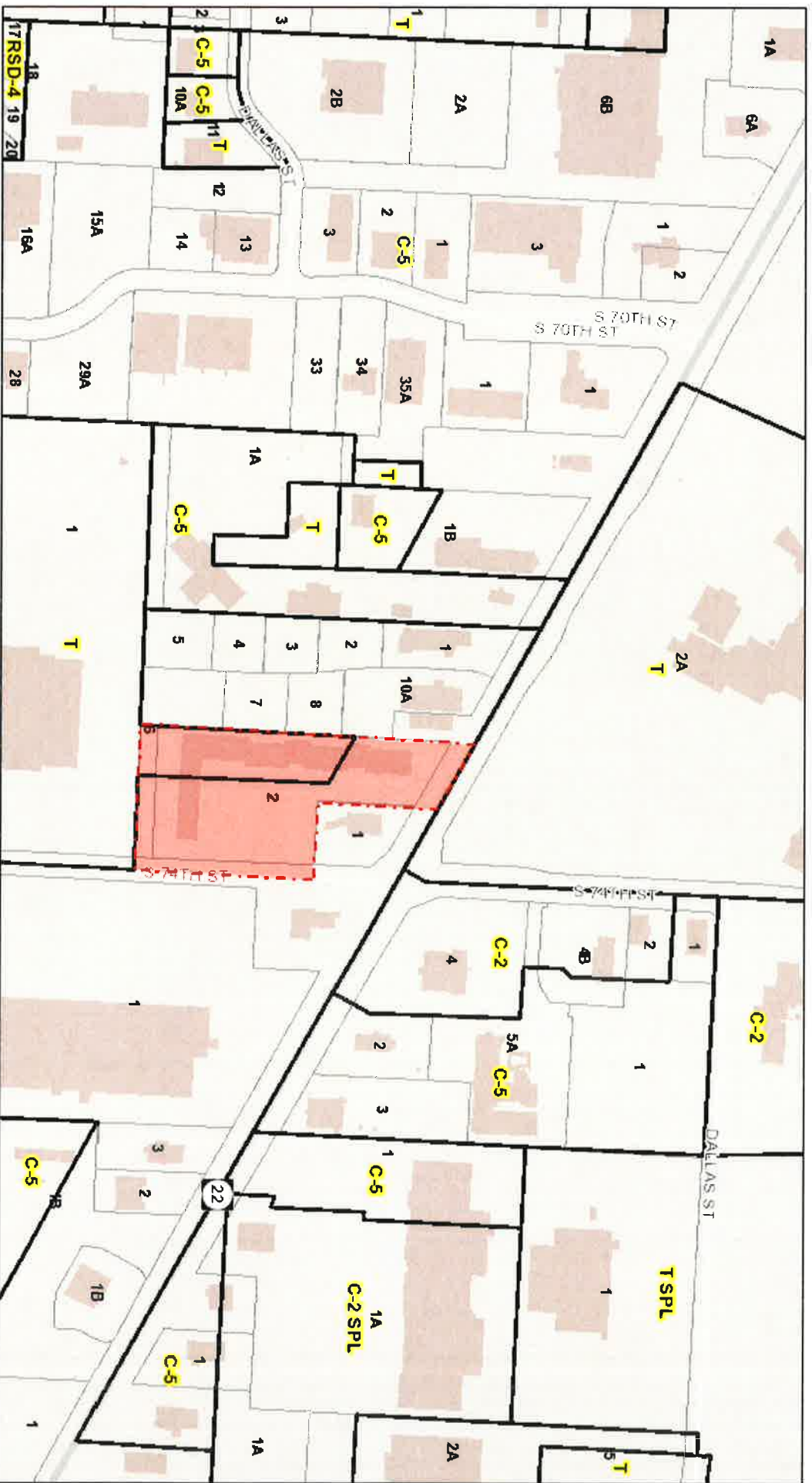
or

Josh Korsten / Tyler Teague
Agent

479-478-6161
Owner or Agent Phone Number

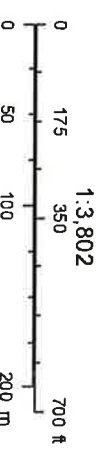
Rezoning #6-4-17: From Transitional (T) and Commercial Heavy (C-5) to Commercial Heavy (C-5) ±

7320 Rogers Avenue



March 22, 2017

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints
- Parks





Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Home Occupation #1-4-17 - A request by Maria Posada, owner, for Planning Commission consideration of a janitorial business in a Residential Multifamily High Density (RM-4) zone at 709 South 19th Street

PROPOSED HOME OCCUPATION

The owner would like to operate a general cleaning service for homes and businesses.

LOT LOCATION AND SIZE

The subject property is on the east side of South 19th Street, north of South "G" Street. The tract contains an area of 0.16 acres with approximately 50 feet of street frontage along South 19th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

SA

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north, east, south and west are zoned Residential Multifamily High Density (RM-4) and are developed as residential.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 19th Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

Planning Staff recommends approval of the requested home occupation subject to Section 27-338-4F (Minimum Requirements for Consideration) and the statements listed in the application.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Maria Magdalena Posada

Legal Description of property included in the home occupation request:

Lot 3 Blk III Fitzgerald

Street Address of Property: 709 S 19th Street

Zone Classification: RM-4

Type of Business Requested: General Cleaning for
home and bussines.

Signed:

Maria M. Posada

Applicant's Name (please print)

4(617) 620-9194

Phone Number of Applicant

709 S 19th Street

Applicant Mailing Address



Applicant

03-16-17

Date

Maria M Posada

Property Owner

Date

(if rental property)

5E

Home Occ. # 1-4-17

HOME OCCUPATION INFORMATION FORM

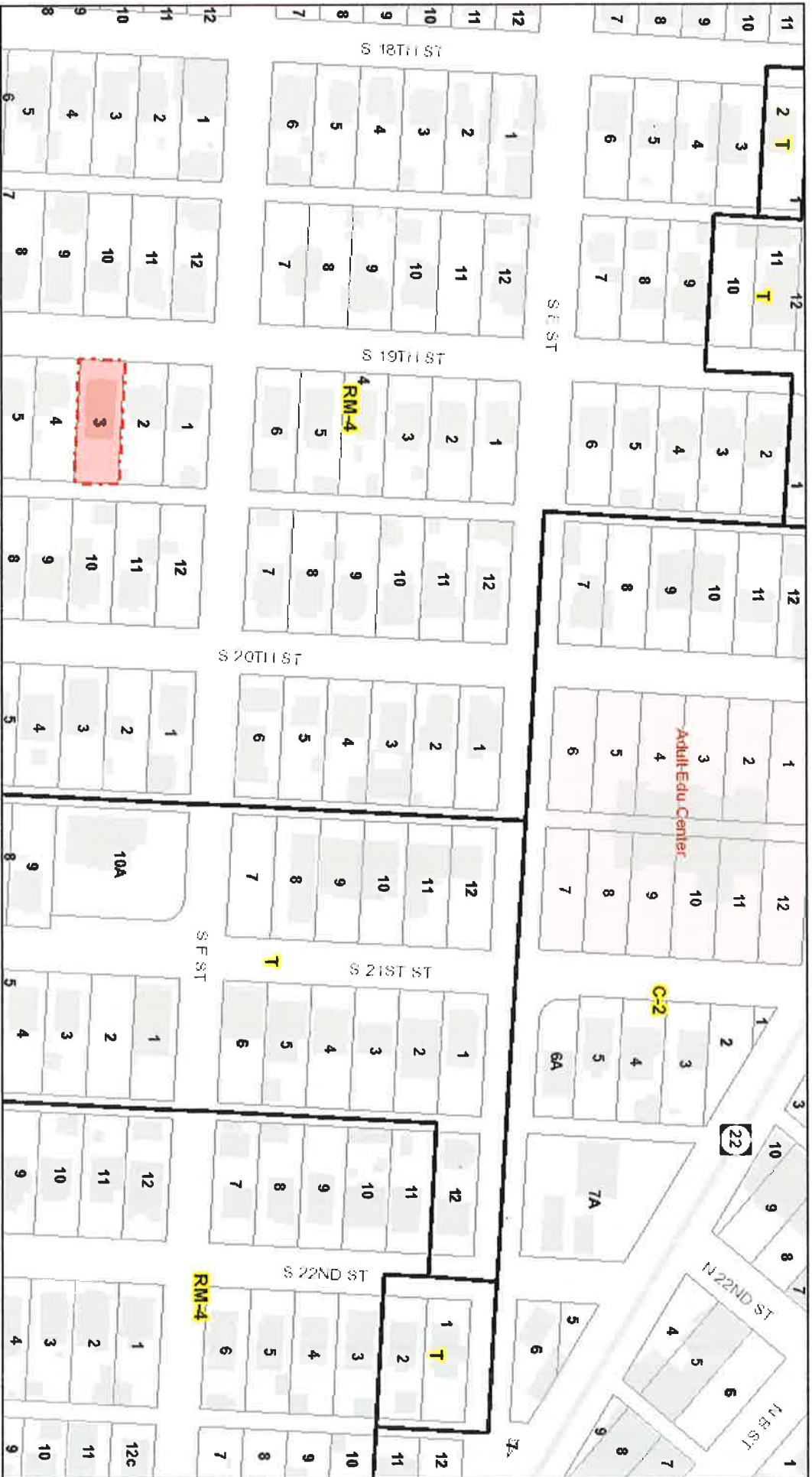
1. Describe what type of business you are requesting. General home, business, offices cleaning
2. Will this business be completely contained in the residential structure? Yes ☒ No ☐
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?
no more than 30% - 10x10 ft
4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒
5. At what hours and days of the week do you plan to operate the business? 7 days 24 hours
6. Will there be any noise NO, odor NO, or other outdoor activity NO associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes ☒ No ☐
8. How much storage will be needed? less 30% - 10x10 ft
9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. _____

10. Will you have any business vehicles? Yes ☒ No ☐ If yes, describe below.
Type of Vehicle:
Make NISSAN SENTRA Model 2005
Color blue Length (trailer) sedan
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☐ No ☒ What type? _____
12. Can you operate this business by appointment only? Yes ☒ No ☐
Explain: _____

13. Will customers come to this location? Yes ____ No ☒
14. How many customers do you expect to have coming to your home at any one time?
None
15. Do you expect any drop-in customers? Yes ____ No ☒
16. How do you plan to provide parking for customers? N/A
17. Do you plan to advertise this business? Yes ☒ No ____
If yes, by what methods? business card
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No ____
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No ____
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ____ No ☒
21. Do you own or rent this property? Own
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes ☒ No ____
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes ☒ No ____
25. Provide any other information that you feel helpful.

Home Occupation #1-4-17: Cleaning Service 709 South 19th Street

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March 20, 2017

- ☐ Fort Smith City Limits
- ☐ Building Footprints
- ☐ Zoning
- ☐ Parks
- ☐ Subdivisions

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Conditional Use #6-4-17 - A request by Rodney Ghan, owner, for Planning Commission consideration of a Conditional Use request to develop a restaurant with drive-through services at 1923 Grand Avenue

PROPOSED CONDITIONAL USE

Approval of the application will allow the development of a pickup and delivery Pizza Hut with a drive-through window. No indoor dining is anticipated.

LOT LOCATION AND SIZE

The subject property is on the northwest side of the intersection of Grand Avenue and North 21st Street. The tract contains an area of 0.35 acres with approximately 125 feet of street frontage along Grand Avenue and approximately 127 feet of street frontage along North 21st Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2). Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

6A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and is undeveloped.

The area to the east is zoned Commercial Light (C-2) and is developed as restaurant.

The area to the south is zoned Commercial Light (C-2) and is developed as a bar.

The area to the west is zoned Transitional (T) and is undeveloped.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

6B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Grand Avenue as Major Arterial and North 21st Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Commercial Neighborhood. This classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – A driveway on Grand Avenue will provide the main ingress and egress to the site. A driveway accessing the alley will also allow vehicles to enter and exit the site.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – Drainage plans shall be submitted for engineering review and approval prior to the issuance of any building permits.

Landscaping – A 10' wide perimeter/parking lot screening landscape buffer is proposed along Grand Avenue and North 21st Street. The plan also shows the required minimum interior landscaped areas. A final landscape plan and maintenance plan outlining the maintenance of the landscaping shall be submitted for staff review and approval.

Screening – A 6' privacy fence is proposed along the west property line. All mechanical equipment, heating and cooling systems and utility boxes shall be screened from adjoining properties and street rights-of-way.

Dumpster – A fully screened dumpster is located in the northwest corner of the property.

Parking – Sixteen parking spaces are proposed. Parking shall be verified during the building permit phase.

Signage – No signage information is provided.

Lighting – No exterior lighting plans were submitted. All exterior lighting must comply with the UDO Commercial and Outdoor Lighting Regulations.

Setbacks – The building complies with all setback requirements for the Commercial Light (C-2) zone.

6C

Architectural features – The proposed building will have a split face block base with brick and siding above.

Height and Area – The new building will be 1,538 square feet in area and a height of approximately 22 feet tall.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, March 29, 2017, at 4611 Rogers Avenue. Four neighboring property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following comments.

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The proposed development shows paving and using the existing alley as ingress and egress. The alley has existing overhead power lines, poles, gas lines, meters, sanitary sewer lines and is used as an existing utility easement. It will be the developer's responsibility to contact and coordinate with all utility companies their intentions to use the alley.
3. The owner shall provide a document for staff review and approval acknowledging that the City of Fort Smith will not be responsible for maintaining the alley the owner is proposing to utilize.
4. The conditional use application does not include all information required for final permit approval. Final construction plans must be submitted for review and approval prior to a building permit being issued and must comply with all development and construction codes.

Conditional Use # 6-4-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Ghan Properties, LLP

Name of Authorized Agent (if applicable) Rodney H. Ghan

Legal Description of property included in the conditional use request:

Lots 18, 19, 20, 21 & 22, Block 15

Home Addition to the City of Fort Smith, Sebastian County, AR

Street Address of Property:

1923 Gravel Ave. Fort Smith AR 72901

Existing Zoning Classification:

C-2

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Drive thru for a new proposed pick up and delivery
Pizza Hut.

What amenities are proposed such as landscaping and screening?

SEE site Plan

Rodney H. Ghan
Owner or Agent Name (please print)

Owner or Agent Mailing Address

Owner or Agent Phone Number

Signed:

Rodney H. Ghan
Owner

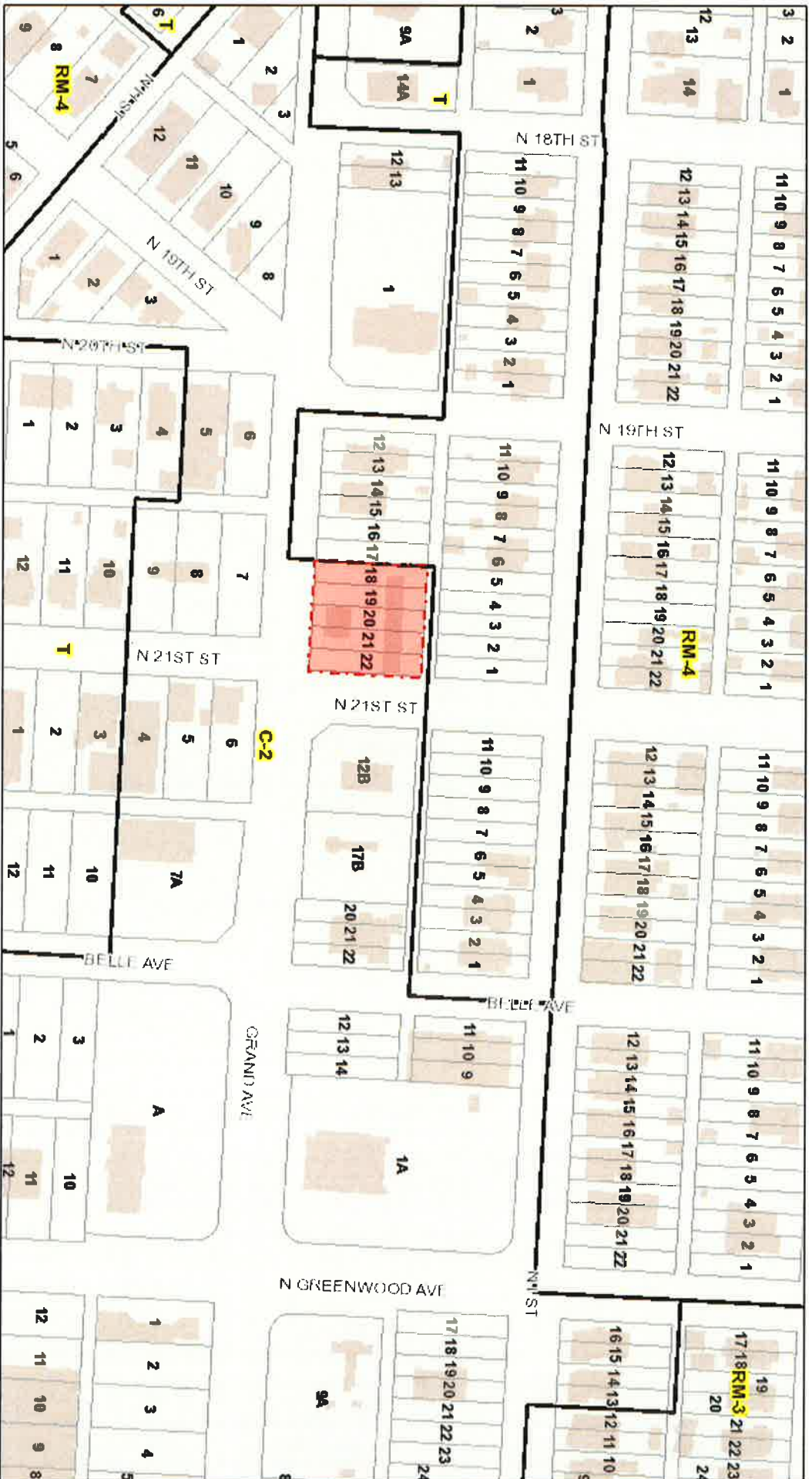
Or

Agent

6E

Conditional Use #6-4-17: Drive through for a new pickup and delivery restaurant 1923 Grand Avenue

49



Legend

Existing Pizza Hut

Proposed Pick Up & Delivery Pizza Hut



CONCLUSIONS

SCHEDULE B II - SECTION 11:

CONTEMPORARY LITERATURE

1

THE E. COLI COMMUNITY

EXPIRY DATE: FEBRUARY 29, 2015 AT 8

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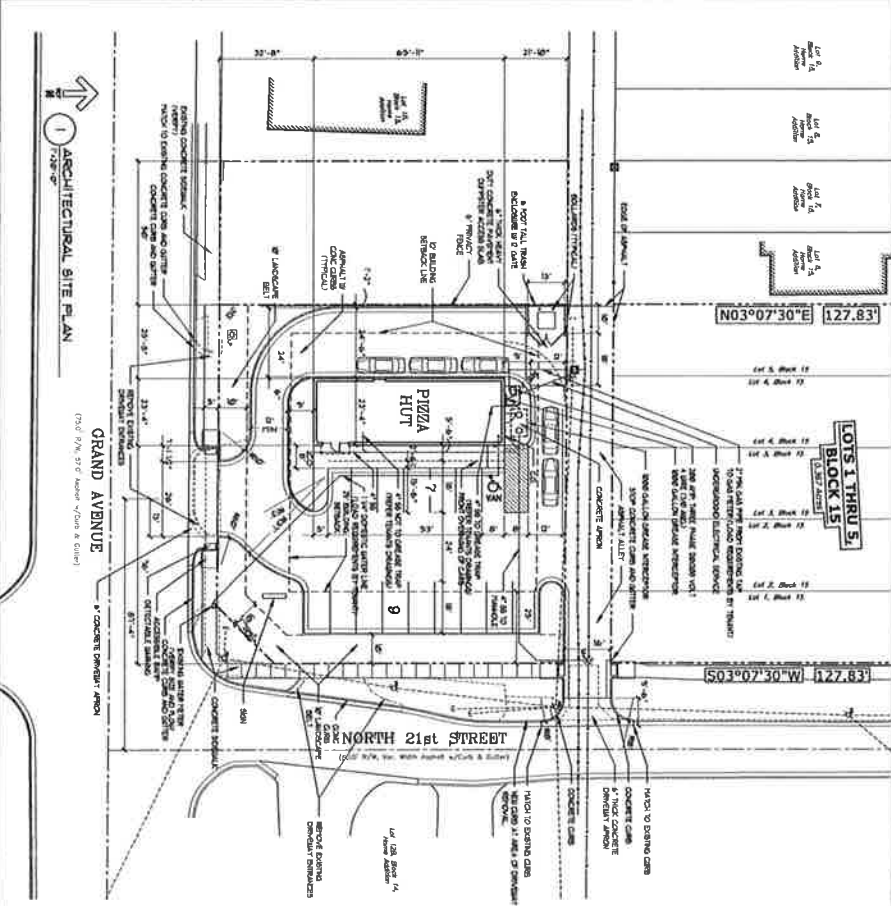
BUILDING SHELL CONSTRUCTION FOR:
PIZZA HUT - PICK UP

3) OCCUPANCY CLASSIFICATION:

- ## INDEX OF DRAWINGS

- I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS ARE AS REQUIRED BY LAW AND IN ACCORDANCE WITH THE APPLICABLE FIRE PREVENTION CODE FOR THE STATE OF ARIZONA.
- SIGNATURE: *Walter Padilla* DATE: 3/3/17

- 32 TYPE OF CONSTRUCTION
TYPE V-B
- 33 ALLOWABLE HEIGHT: 2 STORIES
ALLOWABLE AREA: 9000 SQUARE FEET
- 34A GROSS FLOOR AREA: 1350 SQUARE FEET
- 35 SEPARATION DISTANCE FROM EACH EXTERIOR WALL
TO ADJACENT AND CONTIGUOUS PROPERTY LINES:
TO EAST: 3'-0" *
TO SOUTH: 3'-0" *
TO WEST: 2'-0" *



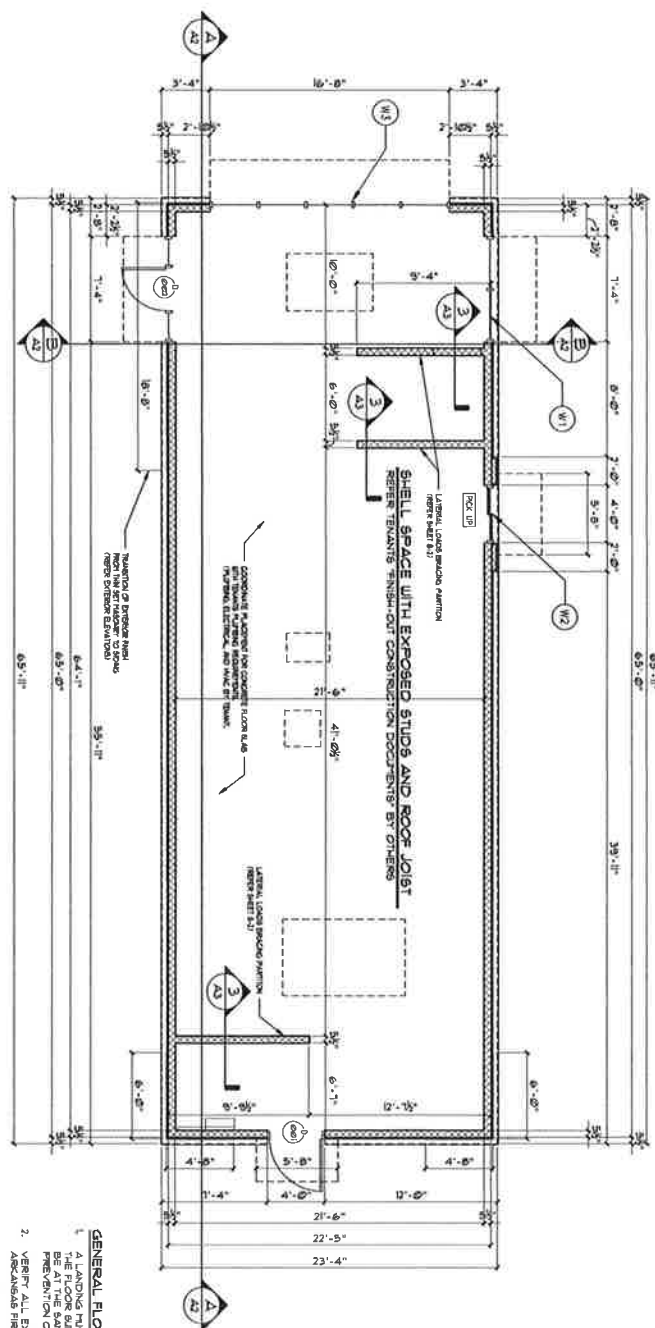
M a r k J . L o i b n e r

ARCHITECT	PLANNER	CONSULTANT
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P.O. BOX 6886, FORT SMITH, AR 72908 • 479-850-5212 • mloibner@bcglobal.net

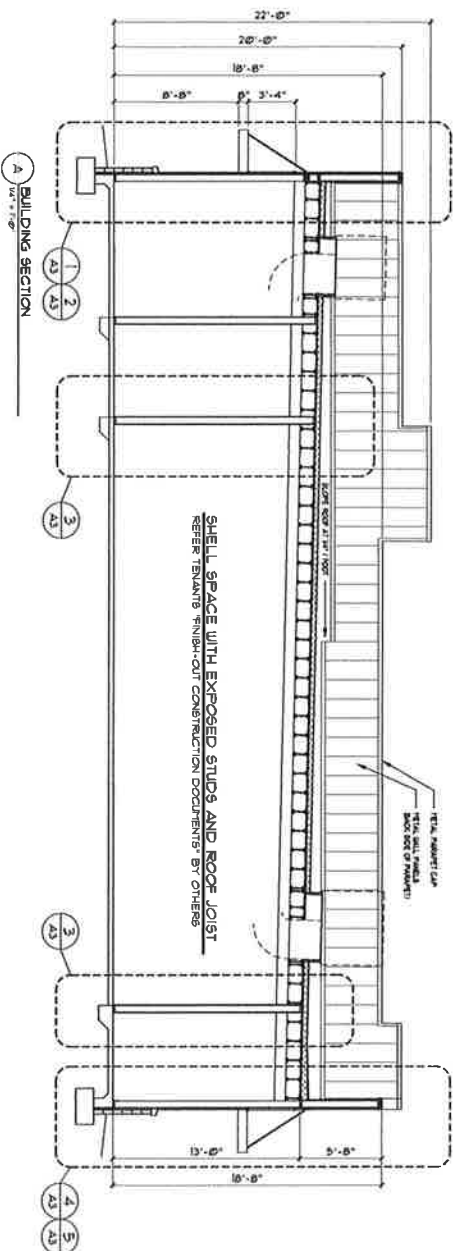


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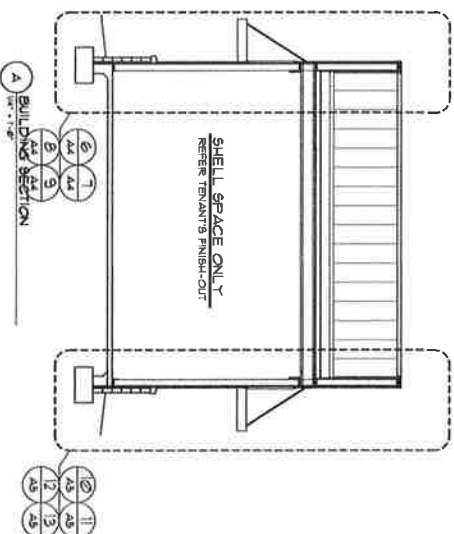


1 FLOOR PLAN
1/4" = 1'-0"
REF

ROOM FINISH SCHEDULE									
ROOM	ROOM	PAINT	WALLS	CEIL. NO.	NOTES				
FLOOR	FLOOR	CEILING	CEILING	WALLS					
01	01	01	01	01					
02	02	02	02	02					
03	03	03	03	03					
04	04	04	04	04					
05	05	05	05	05					
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BUILDING SECTION
V4 - 1-0



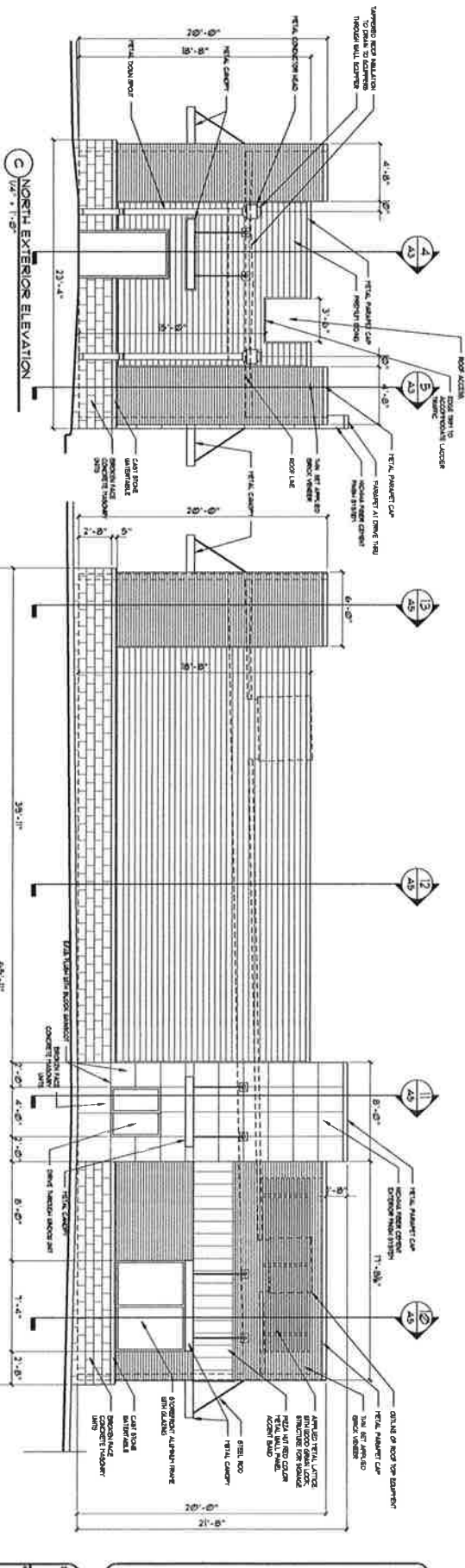
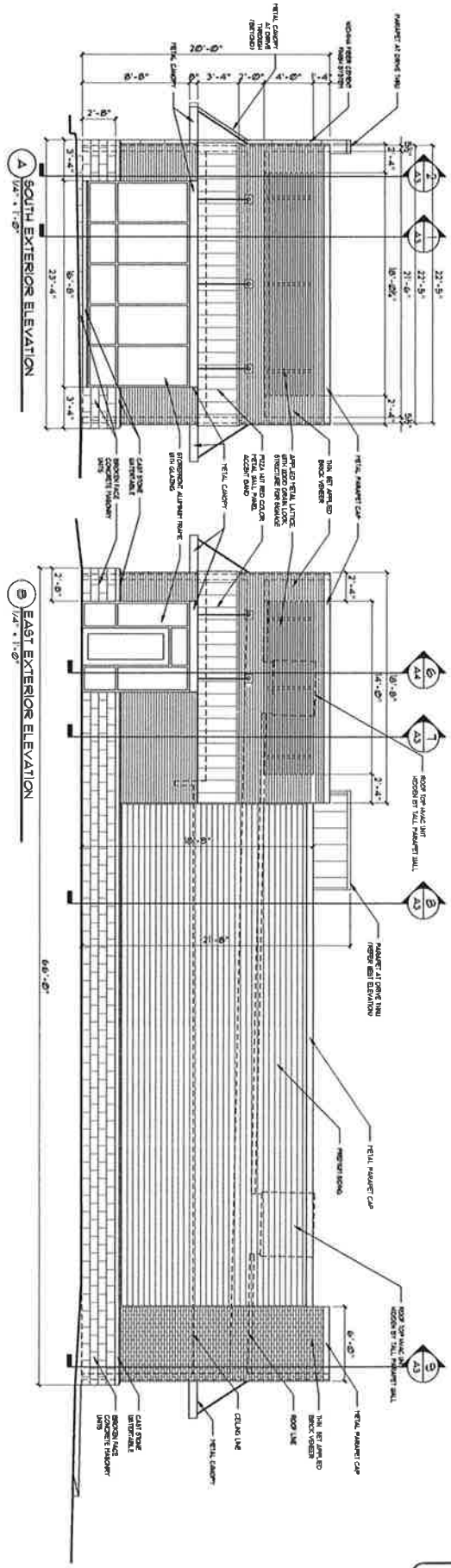
BUILDING SECTION
1/4" = 1'-0"

- GENERAL FLOOR PLAN NOTES:**

1. ALL ABOVE GROUND PROTECTION SHALL BE LOCATED AT THE EXTERIOR OF THE BUILDING AND SHALL BE AT THE SAME ELEVATION AS THE PROTECTION PREVENTION CODE VOLUME 1013
2. VENTIL AIR EXIT DOORS LOCATED CORRELATES WITH THE PROTECTION PREVENTION CODE VOLUME 1013
3. ALL NEW CONCRETE BLOCK BARS ARE HAVE TENSILE TREATMENT
4. IF 1/8" IS USED UNDER THE STRUCTURE, SHIRT CORPUS REPORTS TO THE CITY OF PORT SMITH FOR REVIEW AND APPROVAL
5. ALL STRUCTURES SHALL HAVE ADDRESS NUMBER PLACED ON THE BUILDING IN ACCORDANCE WITH PORT SMITH FINANCIAL CODE
6. ALL SIGNS, PERMANENT, PORTABLE, OR BANNERS ETC. REQUIRE SEPARATE PERMITS IN ACCORDANCE WITH THE PROTECTION PREVENTION CODE VOLUME 1013
7. ALL SIGNS, PERMANENT, PORTABLE, OR BANNERS ETC. REQUIRE SEPARATE PERMITS IN ACCORDANCE WITH THE PROTECTION PREVENTION CODE VOLUME 1013

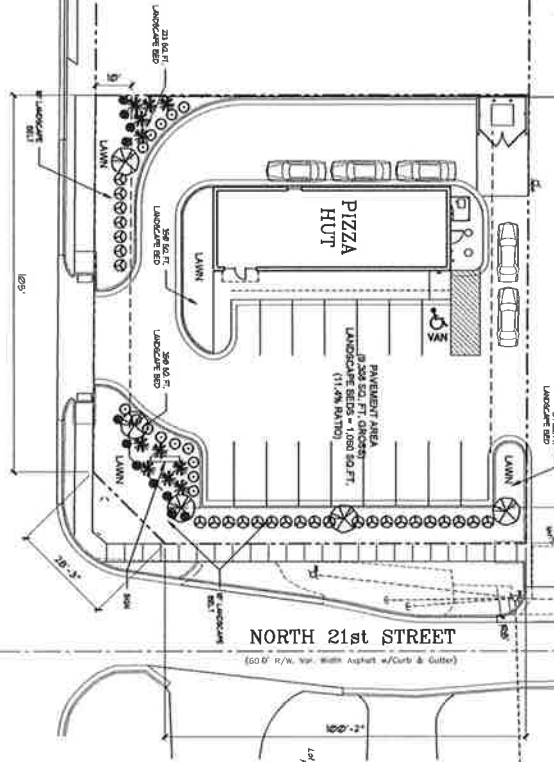
Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
1801 COUNTY ROAD 2610, LAMAR, AR 72846 * 479-850-5212 * mloibner@mcglobal.net







GRAND AVENUE
(75'0" R/W, 57'0" Asphalt w/ Curb & Gutter)



NORTH 21st STREET
(50'0" R/W, 36'0" Asphalt w/ Curb & Gutter)

- GRADE MYRTLE
(2" MINIMUM CALIPER @ TALL)
- BURFORD HOLLY
(5 GALLON, MINIMUM 2'4" HEIGHT AT PLANTING)
- DWARF NANNIUMS
(3 GALLON)
- MEXICAN FEATHER GRASS
(5 GALLON)
- VARIEGATED LIRIOPE
(3 GALLON)

LANDSCAPE SCREENING NOTE
SHALL BE A MINIMUM OF THREE FEET ABOVE THE
FINISH ELEVATION OF THE PARKING LOT AND CREATE A SEAT E56 ROW OF SCREENING
WITHIN TWENTY FOUR MONTHS AFTER THE INITIAL INSTALLATION THIS WILL BE
VERIFIED BY THE CITY. OWNER WILL BE RESPONSIBLE.
NO IRRIGATION PROVIDED
PROVIDE REQUIRED MAINTENANCE PLAN TO CITY MEETING
SECTION 21-602 OF CITY UDO.

Lot 1, Block 14
Name Addition

N03°07'30"E 127.83'

Lot 5, Block 15
Lot 4, Block 15

Lot 4, Block 15
Lot 3, Block 15

Lot 3, Block 15
Lot 2, Block 15

Lot 2, Block 15
Lot 1, Block 15

S03°07'30"W 127.83'

PROPOSED BUILDING SHELL CONSTRUCTION FOR:
PIZZA HUT - PICK UP
1923 GRAND AVENUE
FORT SMITH, ARKANSAS

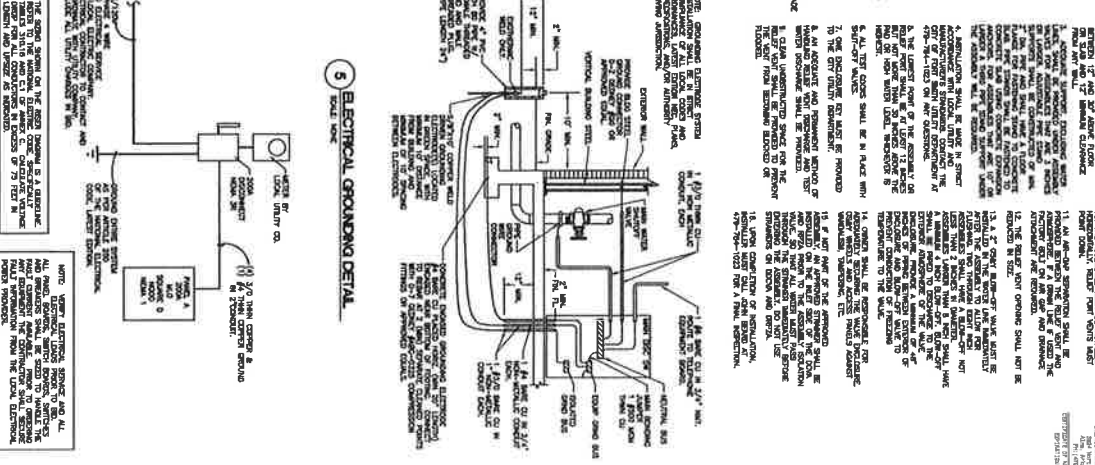
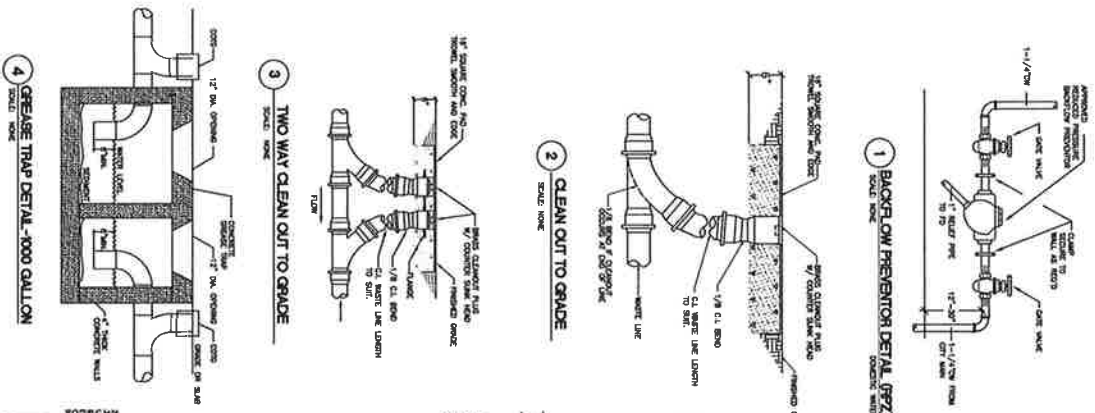
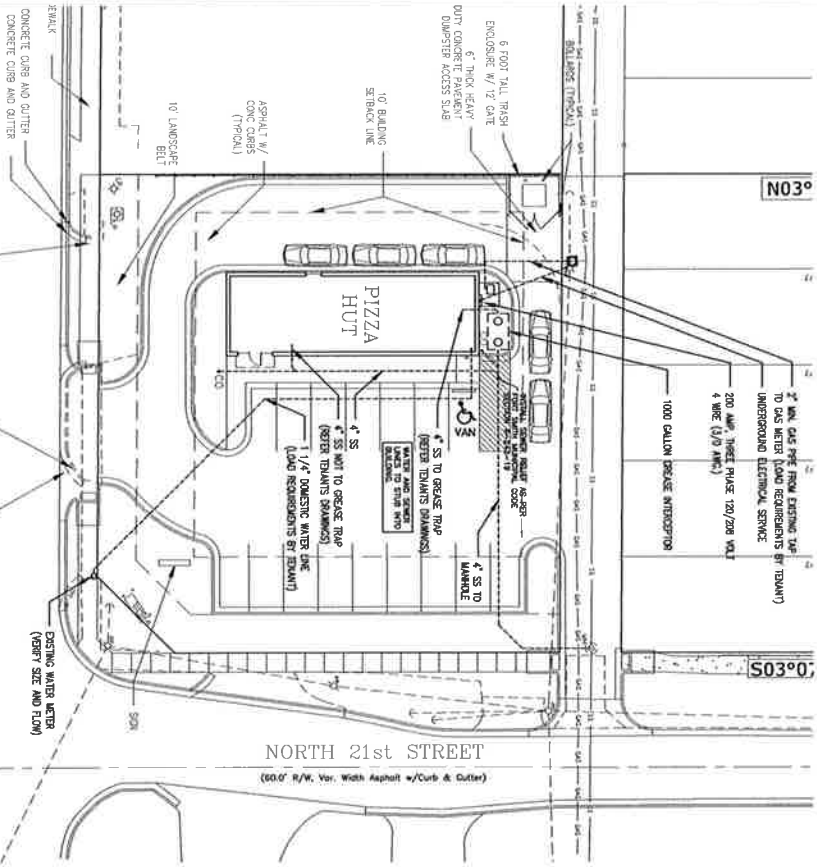
Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 6886, FORT SMITH, AR 72906 • 479-650-6212 • mloibner@beglobal.net



66

SITE PLAN

GRAND AVENUE
(75.0' R/W, 57.0' Asphalt w/ Curb & Gutter)



- NOTES:**
1. THE ELECTRICAL GROUNDING SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70-1.
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PROPOSED NEW CONSTRUCTION FOR:
PIZZA HUT - PICK UP
1923 GRAND AVENUE
FORT SMITH, ARKANSAS



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 4611 Rogers Ave Suite 200

Meeting Time & Date 5:00 PM on March 29, 2017

Meeting Purpose To discuss the proposed Conditional use for a drive thru

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Anna Dalton	1820 N I St	4179-420 5314
2.	Carbin Trubow	726 S 410th St	479 653 3528
3.	Jay Hughes	1820 N I. Fort S.	459-2 787
4.	Susan Wynn	908/912 No 21st	2179 7198866
5.	Bd. Cooper	4611 Rogers Ave.	479-478 6161
6.	Rodney Chan	4611 Rogers Ave.	479-478-6161
7.	Tom Monaco	City	784-2218
8.			
9.			
10.			
11.			

Monaco,Tom

From: Ghan <rhghan@rhghan.com>
Sent: Thursday, March 30, 2017 8:22 AM
To: Monaco,Tom
Subject: Neighborhood Meeting, 1923 Grand Ave.
Attachments: 20170330074626.pdf

This email represent the formal meetings to the Neighborhood meeting for the conditional use request for a drive thru at 1923 Grand Ave.

We had 4 neighbors in attendance at the meeting. See attached list.

The developer discuss the proposed use of the property and explained the reason for the meeting.

After providing the site plan showing the proposed drive thru they were few questions but no opposition to the conditional use request.

The meeting ended positive.

Rodney H. Ghan, CCIM

Ghan & Cooper Commercial Properties

4611 Rogers Ave., Suite 200

Fort Smith, AR 72903

Phone: (479) 478-6161

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Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Conditional Use #7-4-17 - A request by Dean Pendergrass, agent, for Planning Commission consideration of a Conditional Use request for an auto body and paint shop at 6006 US Highway 71

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow Breeden Dodge to relocate their existing body shop from their dealership contiguous to this site.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of US Highway 71 and Ingersoll Circle. The tract contains an area of 1.1 acres with approximately 150 feet of street frontage along US Highway 71 and approximately 325 feet of street frontage along Ingersoll Circle.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and developed as Breeden Dodge Chrysler Jeep.

The area to the east is zoned Commercial Heavy (C-5) and undeveloped.

The area to the south is zoned Commercial Heavy (C-5) and developed as Carpet Cabin and Johnstone Supply.

The area to the west is zoned Commercial Heavy (C-5) and are developed as warehouses.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

7B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 71 as a Boulevard and Ingersoll Circle as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site is accessed by a driveway on US Highway 71 and one on Ingersoll Circle.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – N/A

Landscaping – No landscaping is proposed.

Right-of-way dedication – N/A

Multi-Use bike path – N/A

Screening – There is currently no screening of the property. A chain link fence is along the west property line and a portion of the south property line. The fence along the north property line was recently removed so the owner could clean out the drainage ditch.

Signage – No signage information is shown on the site plan.

Lighting – No exterior lighting is shown on the site plan.

Dumpster – There is no dumpster shown on the site plan.

Parking – The site plan shows 12 parking spaces, which will comply with the UDO parking requirements.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, March 23, 2017, at 5900 US Highway 71.

No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All proposed signs will require a separate plan and sign permit application for staff review and approval.
3. If a trash receptacle is proposed, it shall be screened with an opaque fence from adjoining properties and street right-of-way.
4. Site lighting shall not produce glare, light trespass and/or unnecessary sky glow in accordance with the UDO Section 27-602-5 – Commercial and Outdoor Lighting requirements.
5. Vehicle auto body and paint activities shall be conducted within an enclosed building.
6. All appurtenances used for auto body and paint activities shall not be utilized outdoors.
7. Abandoned vehicles shall not be stored on the premises.
8. Vehicles that are wrecked or that have missing or damaged parts shall not be stored outside unless completely screened from public rights-of-ways and adjacent properties. The owner is requesting to reinstall the chain link fencing along the ditch line on the north side of the property to allow visibility into the yard for security purposes. The planning commission may want to consider requiring a 6' opaque fence to completely enclose the rear of the property to screen visibility from U.S. Highway 71 and Ingersoll Circle.

Conditional Use # 7-4-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: BREEDEN DODGE CHRYSLER JEEP INC.

Name of Authorized Agent (if applicable) DEAN PENNERGRASS

Legal Description of property included in the conditional use request:

LOTS ONE (1) AND TWO (2) OF HIGHWAY 71 COMMERCIAL PARK, A SUBDIVISION OF PART
OF THE NORTHEAST QUARTER OF SECTION FOUR (4), TOWNSHIP SEVEN (7) NORTH, RANGE
THIRTY-TWO (32) WEST, AS SHOWN ON PLAT FILED JANUARY 17, 1977
Street Address of Property:

6006 Highway 71s Fort Smith AR

Existing Zoning Classification:

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

HOLDING PEN FOR VEHICLES FOR BREEDEN DODGE CHRYSLER JEEP, INC.
PAINT BOOTH
RELOCATING EXISTING BODY SHOP TO THIS LOCATION. 1

What amenities are proposed such as landscaping and screening?


NO AMENITIES ARE REQUIRED

CLOVIS "TORY" BREEDEN
Owner or Agent Name (please print)

5900 HIGHWAY 71s FORT SMITH, AR 72908
Owner or Agent Mailing Address

(479) 646-4731
Owner or Agent Phone Number

Signed:

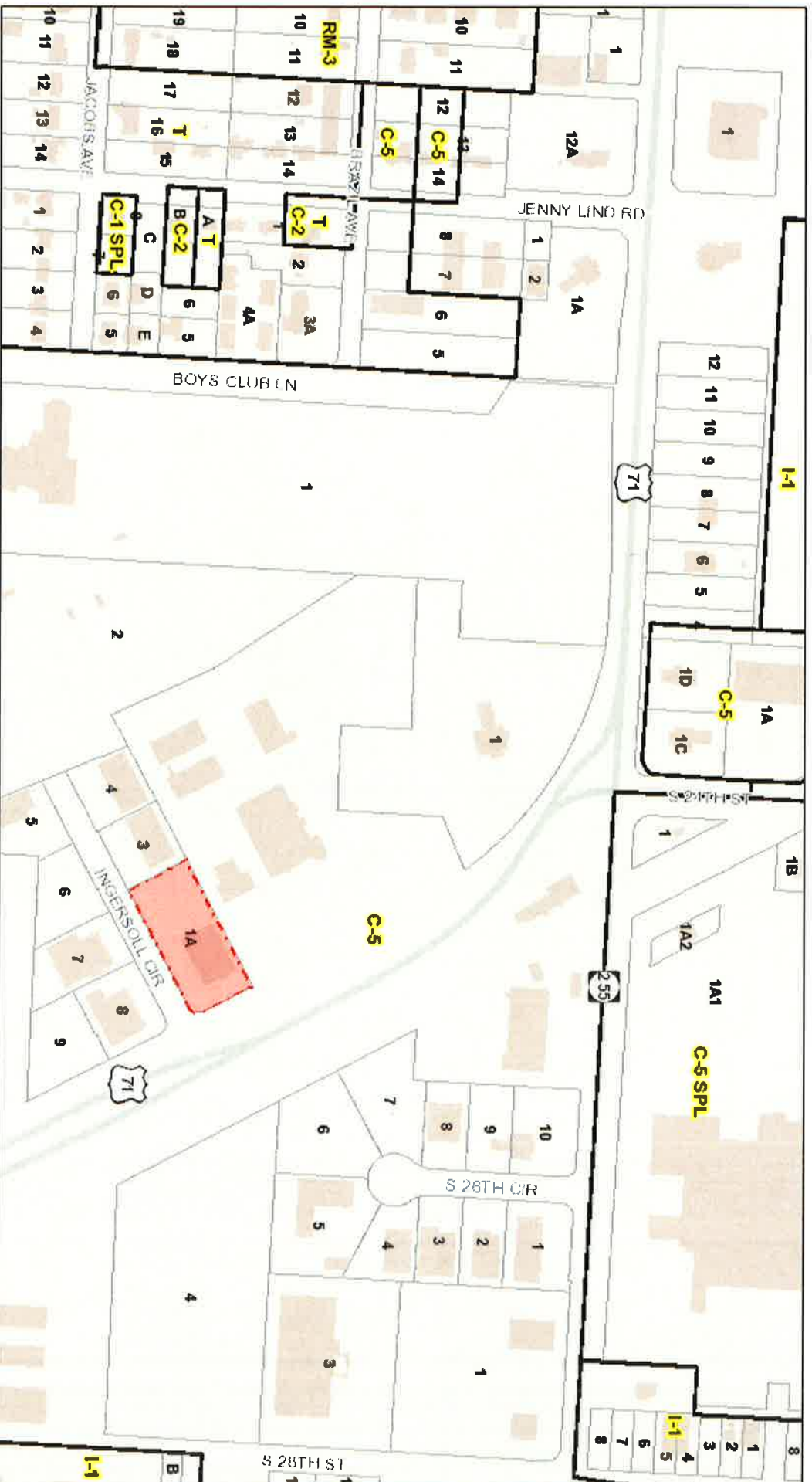
Notary Owner Or 4/14/17


Agent

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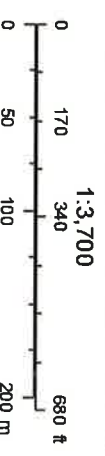
Conditional Use #7-4-17: Auto Body Shop and Paint 6006 US Highway 71

LF



March 20, 2017

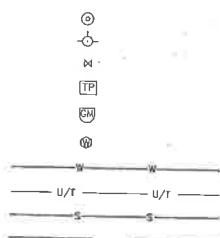
- ☒ Fort Smith City Limits
- ☒ Zoning
- ☒ Subdivisions
- ☒ Building Footprints
- ☒ Parks



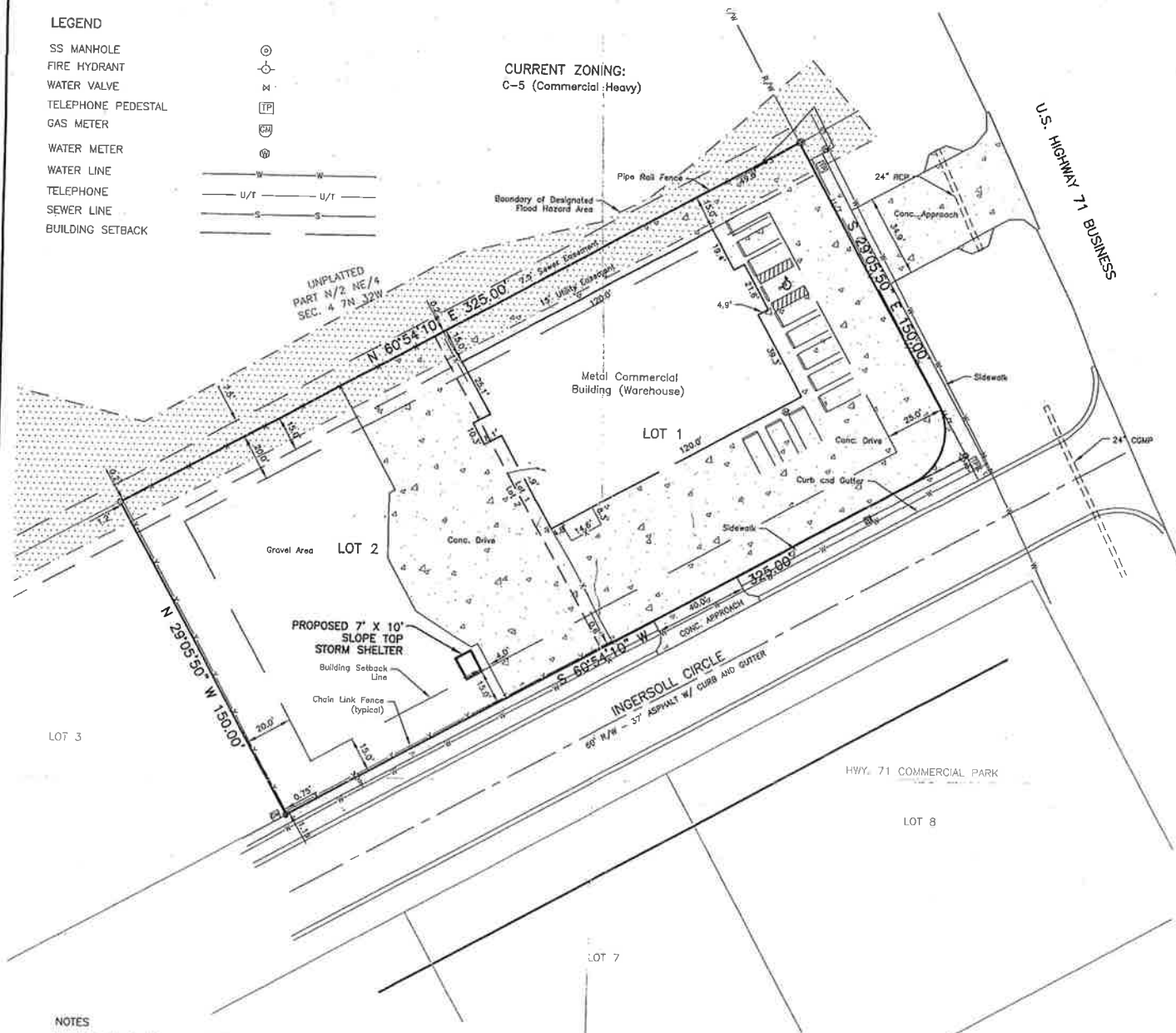


LEGEND

SS MANHOLE
FIRE HYDRANT
WATER VALVE
TELEPHONE PEDESTAL
GAS METER
WATER METER
WATER LINE
TELEPHONE
SEWER LINE
BUILDING SETBACK



CURRENT ZONING:
C-5 (Commercial Heavy)



NOTES

1) Utilities located from reasonable visual observation and approximate location according to Fort Smith GIS. Prior to any excavations, client advised to contact Arkansas One-Call at (800) 482-8998 for accurate utility locations.

3) I have determined from the Flood Insurance Rate Map of Sebastian County, Arkansas, and Incorporated Areas, Map Number 05131C0110F, City of Fort Smith Community No. 055013, Effective Date March 2, 2012 that a portion of this property does lie within a designated flood hazard area.

I, Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plot to the best of my knowledge of a survey of Lots 1 and 2 Highway 71 Commercial Park, also described as 6006 Highway 71 South, Fort Smith, Sebastian County, Arkansas. That said plot correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plot of survey.



**BRIXEY ENGINEERING &
LAND SURVEYING, INC.**

CONSULTING ENGINEERS — LAND SURVEYORS

6223 East Highway 48 P.O. Box 6180 Fort Smith, Arkansas 72006 (479) 646-8304



LEGEND
Computed Point
Set 1/2" Iron Pin
Exist. 1/2" Iron Pin
Set R.R. Spike
Exist. R.R. Spike
Set Nail
Exist. Nail
Exist. Stone
Exist. Monument
Exist. Fence



SITE PLAN

6006 HIGHWAY 71 SOUTH
LOTS 1 AND 2
HIGHWAY 71 COMMERCIAL PARK
FORT SMITH, ARKANSAS

Prepared For: Waukesha-Pearce Industries, Inc.

Date: January 2, 2014
Drawn By: CNB
Computed by: DPB
Job No: 13-0324

176



Ingersoll Circle

700 ft



Legend

6-H

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2017

Re: Conditional Use #08-4-17 - A request by J.T. Griffith, agent for Wheeler Avenue Church of Christ, for Planning Commission consideration of a Conditional Use request to develop a fellowship hall at 5724 Wheeler Avenue

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow the development of an 1,800 s.f. fellowship hall. The development plan will incorporate landscaping and other aesthetic features such as high quality materials that comply with the UDO.

LOT LOCATION AND SIZE

The subject property is on the west side of Wheeler Avenue between Zero Street and Vicksburg Street. The tract contains an area of 0.62 acres with approximately 155 feet of street frontage along Wheeler Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3) and Commercial Heavy (C-5).

Characteristics of the Residential Multifamily Medium Density (RM-3) are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

8A

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

Characteristics of the Commercial Heavy (C-5) characteristics are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher\

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as a single family residence.

The area to the east is zoned Commercial Heavy (C-5) and developed as wholesale distribution business.

The area to the south is zoned Commercial Heavy (C-5) and developed as a contractors shop.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Wheeler Avenue as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Institutional and General Commercial. The Institutional classification is intended to provide for needed community services of both a public and quasi-public nature. The General Commercial classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on the existing driveways.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – Drainage plans will be reviewed and approved by the Engineering Department during the building permit process.

Right-of-way dedication – The property is currently platted and no new R.O.W. dedication is needed at this time.

Multi-Use bike path – N/A

Landscaping – The plan shows new landscaping along the frontage of the new fellowship hall adjacent to Wheeler Avenue.

Screening – The mechanical equipment is screened and the applicant does not propose any outdoor trash receptacles. The applicant has submitted a companion variance application requesting a variance for a screening fence to the north.

Parking – All parking will take place on site on the existing paved parking lot. The site currently has 25 parking spaces and will comply with the UDO parking requirements.

Signage – No new signage is proposed.

Lighting – One wall pack light is proposed. The applicant has documented that the fixture is completely shielded and will comply with the UDO.

Setbacks – The setbacks comply with the C-5 zoning district.

Architectural features – The facades of the building are utilizing 51% high quality material as required by the UDO.

Height and Area – The building is one story and complies with the UDO height requirement.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on March 28, 10:00 a.m. No surrounding property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. A final landscaping plan shall be submitted during the building permit review process.
3. If a trash receptacle is proposed, it shall be completely screened from adjoining property owners and street right-of-way.
4. All proposed signs will require separate plan and sign permit application for staff review and approval.
5. BZA approval of the companion variance application.

Conditional Use # 8-4-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Wheeler Ave. Church of Christ

Name of Authorized Agent (if applicable) J. T. Griffith

Legal Description of property included in the conditional use request:

Seaton Place, Lot 3 Sebastian Co. AR

Street Address of Property:

5724 Wheeler Ave Fort Smith AR

Existing Zoning Classification:

RM-3 C-5

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

X ACTIVITY CENTER

What amenities are proposed such as landscaping and screening?

X Noted on plans

JT Griffith

Owner or Agent Name (please print)

1319 Poplar Van Buren, AR

Owner or Agent Mailing Address

72956

Signed:

J. T. Griffith

Owner

Or

479 651-0129

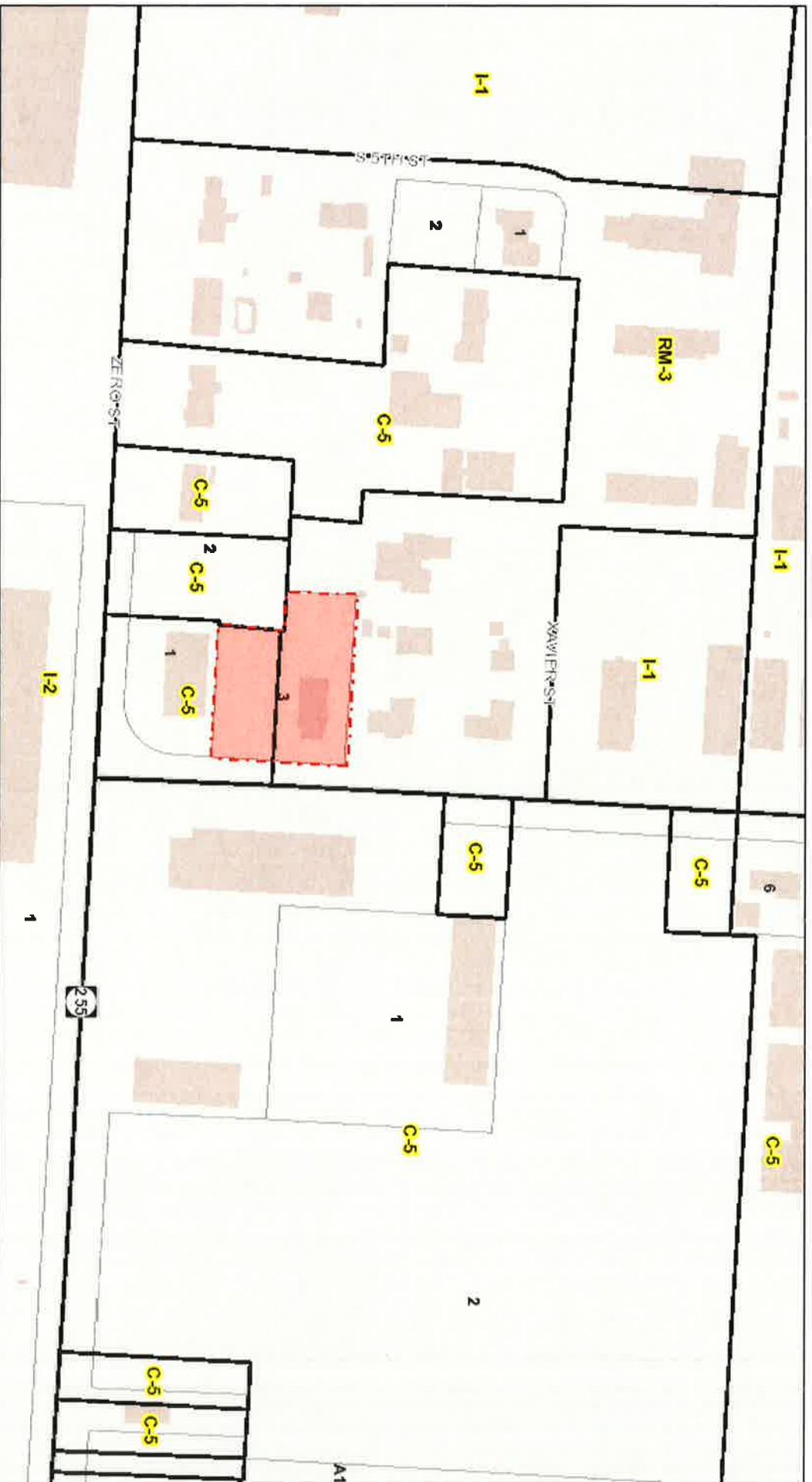
Owner or Agent Phone Number

Agent

8F

Conditional Use #8-4-17: Church (Fellowship Hall) 5724 Wheeler Avenue

8G



March 29, 2017

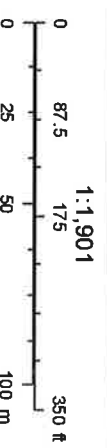
Fort Smith City Limits

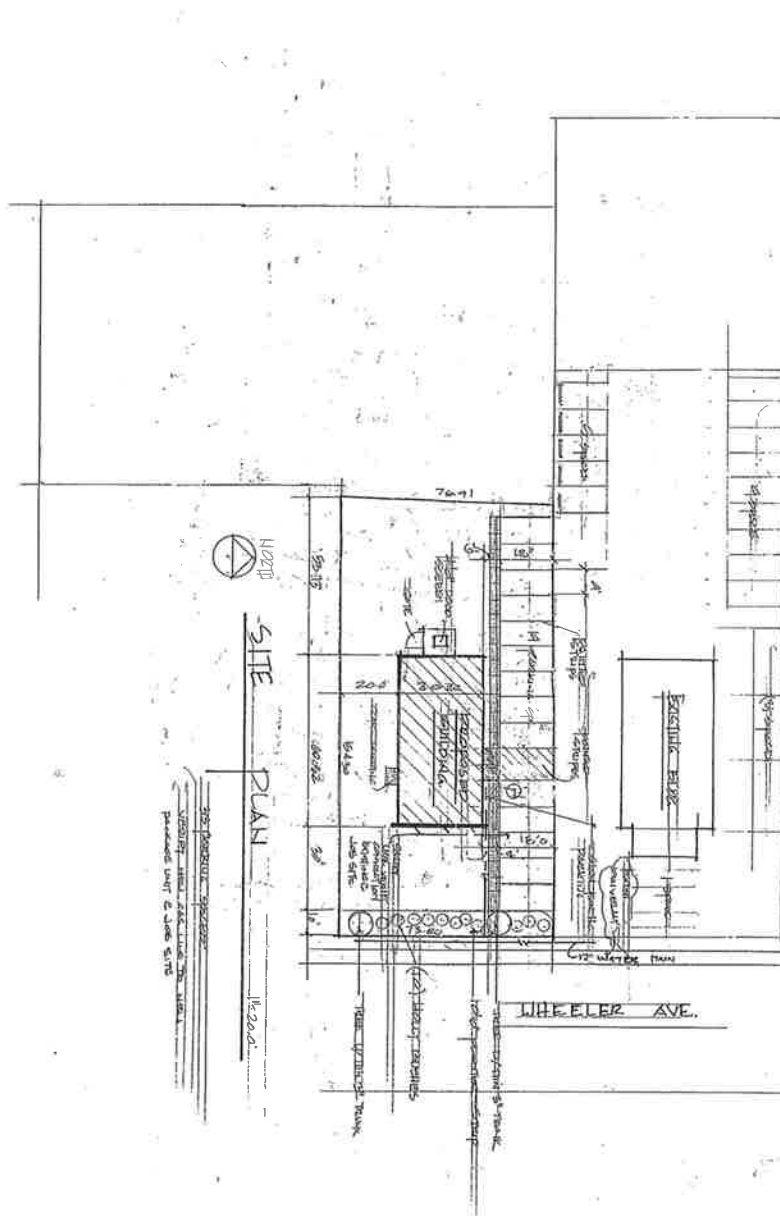
Building Footprints

Zoning

Parks

Subdivisions





SHEET
SP-1

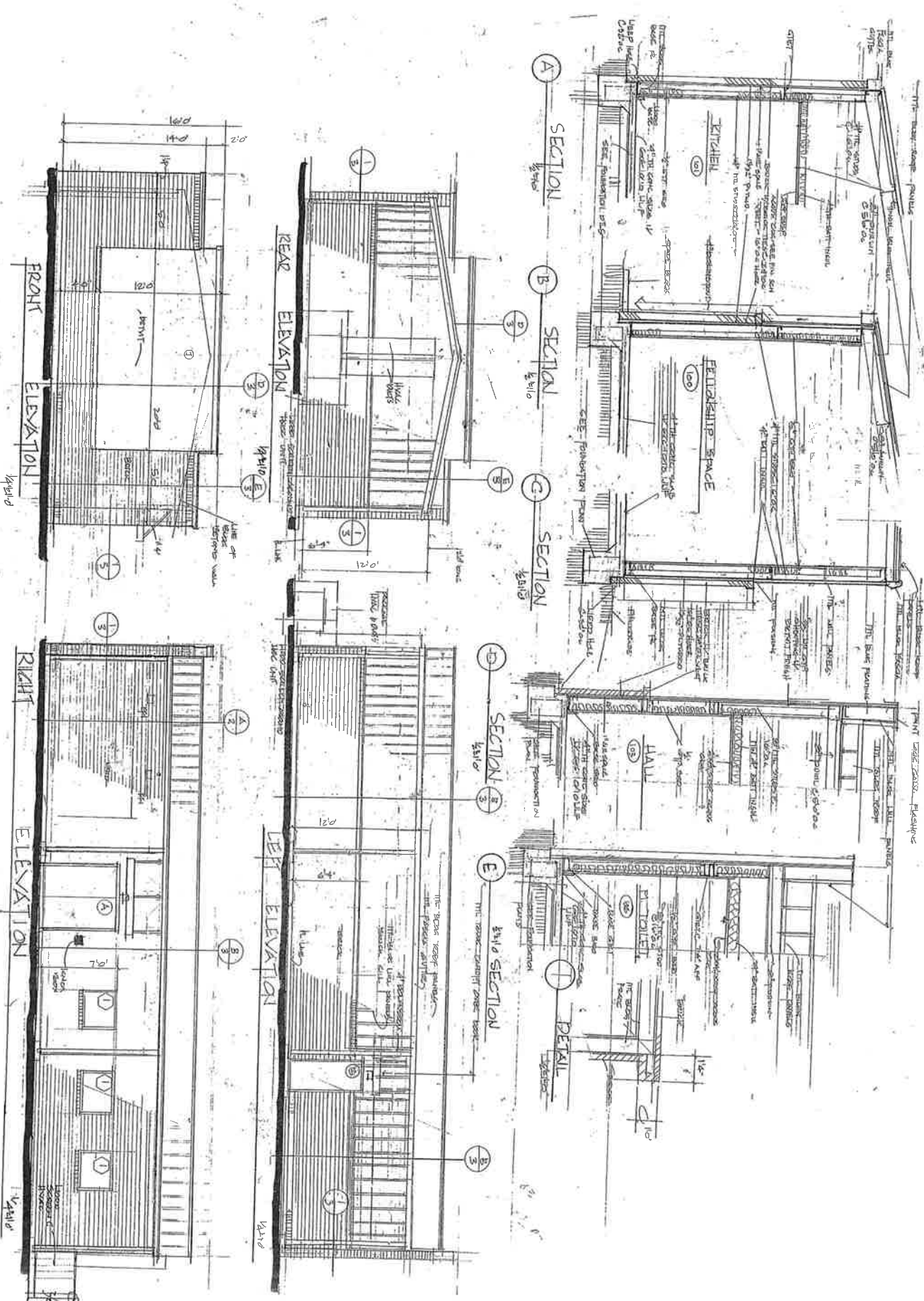


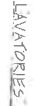
1	PROPOSED FELLOWSHIP HALL
2	CHURCH OF CHRIST
3	Wheeler Avenue, Ft. Smith, Ark.

PROPOSED FELLOWSHIP HALL
CHURCH OF CHRIST
Wheeler Avenue, Ft. Smith, Ark.

Architect--Chris Shirley-----R.A.
1999 Van Hoose Drive --
Fayetteville, Ar. 72701 Ph 479-442-9259

8H



[illegible][illegible]

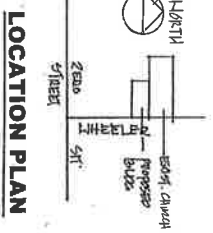
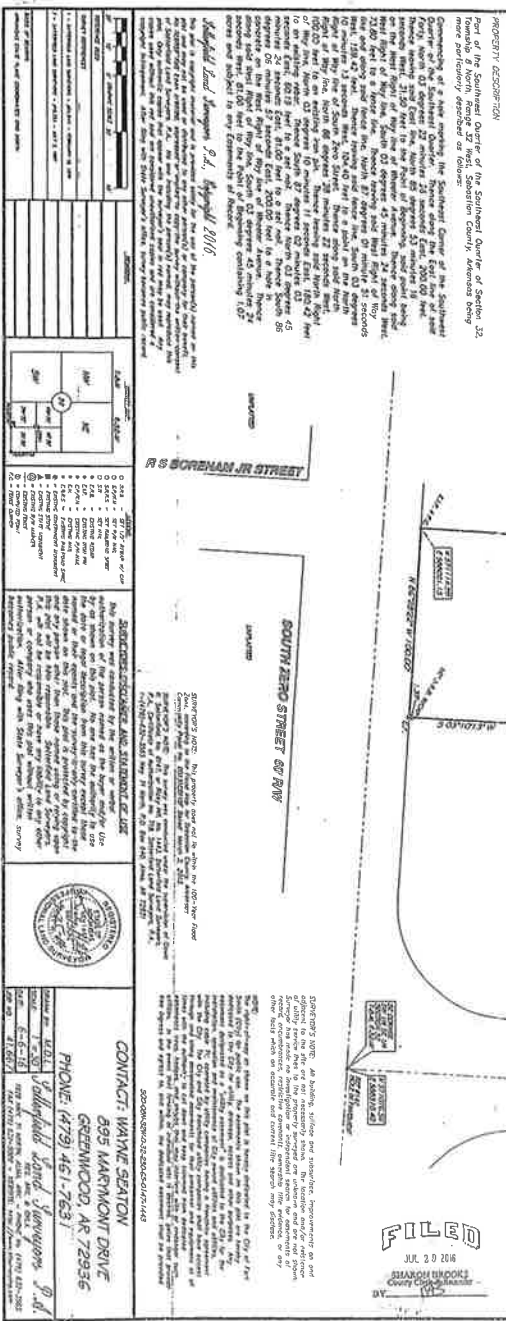
SEATON PLACE LOTS 2 & 3 BEING A PART OF SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 32, TOWNSHIP 9 NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

PLANNING COMMISSION APPROVAL:
 SEBASTIAN COUNTY PLANNING COMMISSION
 ALLOTTEE: *Chris Shirley*
 BY: *Chris Shirley*
 DATE: *7/24/2016*

STATE OF ARKANSAS
 COUNTY OF SEBASTIAN
 BEING THE 24th DAY OF JULY 2016
 BY: *Chris Shirley*
 DATE: *7/24/2016*
 FILED FOR RECORD: *7/24/2016*
 TOTAL ACREAGE: 1.07 ACRES



FILED FOR RECORD: *7/24/2016*
 TOTAL ACREAGE: 1.07 ACRES



Code notes:
 1. All existing structures are to be demolished and replaced with a new structure.
 2. The proposed structure is to be constructed in accordance with the 2012 Arkansas State Fire Prevention Code, Vol. I, Vol. II, Vol. III.
 3. The proposed structure is to be constructed in accordance with the 2012 NFPA Life Safety Code.
 4. The proposed structure is to be constructed in accordance with the 2012 National Electrical Code.
 5. The proposed structure is to be constructed in accordance with the A.C.A. 12-20-101 through 12-20-104 earthquake resistant design.
 6. The proposed structure is to be constructed in accordance with the City Electrical Code amendments.
 7. The proposed structure is to be constructed in accordance with the 2008 Arkansas Plumbing Code.
 8. The proposed structure is to be constructed in accordance with the City Plumbing & Gas Code Amendments.
 9. The proposed structure is to be constructed in accordance with the 2010 Arkansas Mechanical Code.
 10. The proposed structure is to be constructed in accordance with the 2010 ANSI A117.1.

- ALL APPLICABLE CODES LISTED BELOW TO BE USED FOR BUILDING CONSTRUCTION**
- 2012 Arkansas State Fire Prevention Code, Vol. I, Vol. II, Vol. III
 - 2012 NFPA Life Safety Code
 - 2012 National Electrical Code
 - A.C.A. 12-20-101 through 12-20-104 earthquake resistant design
 - City Electrical Code amendments
 - 2008 Arkansas Plumbing Code
 - City Plumbing & Gas Code Amendments
 - 2010 Arkansas Mechanical Code
 - 2010 ANSI A117.1

- SHEET SCHEDULE**
- COVER SHEET W/ PLOT PLAN
 - SP-1 SITE PLAN
 - FOUNDATION PLAN
 - FLOOR PLAN
 - ELEVATIONS - SECTIONS
 - ROOF PLAN SECTIONS
 - PLUMBING PLAN
 - HVAC PLAN
 - ELECTRICAL PLAN

Architect — Chris Shirley — R.A.
 1999 Van Hoose Drive
 Fayetteville, AR 72704 Ph 479-442-9259

Note: all mech., electrical and plumbing to be installed by a licensed contractor. Any additional information and engineering shall be provided by owner as required.

PROPOSED FELLOWSHIP HALL
CHURCH OF CHRIST
 Wheeler Avenue, Ft. Smith, Ark.



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- Powder coat painted finishes
- Made of cast aluminum
- Requires (1) 75 watt PAR30 shaped medium (E26) base incandescent bulb - **Not Included**
- UL and CUL Rated for wet locations

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Product Details for the Kichler 9244AZ in Architectural Bronze

Features:

- Rated for use in damp locations
- Covered under Kichler's 1-year limited warranty
- This transitional vanity light from the Hendrik collection is available in brushed nickel, chrome, and olde bronze finishes
- Durable Aluminum frame ensures years of reliable performance



8M

Miller, Perry

From: P <adairpc@hotmail.com>
Sent: Tuesday, March 28, 2017 10:51 AM
To: Miller, Perry
Subject: Wheeler Avenue Church of Christ Proposed Fellowship Hall

Tyler,

J. D. Frost and I met with Bill this morning at 10:00 a.m. at the Wheeler Avenue Church of Christ building.

No surrounding property owners appeared at the meeting to express any concerns or ask questions regarding the proposed Fellowship Hall.

If you have questions or need further information please contact me.

Sincerely,

Peggy Adair

Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Variance #9-4-17 - A request by J.T. Griffith, agent for Wheeler Avenue Church of Christ, for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-602-4C-8 requirement for a permanent opaque 6' screening fence or landscape buffer adjacent to residentially zoned properties at 5724 Wheeler Avenue

REQUESTED VARIANCE

Approval of the variance will allow the development of a fellowship hall south of the main church building without installing a privacy fence to the north side of the property.

LOT LOCATION AND SIZE

The subject property is on the west side of Wheeler Avenue between Zero Street and Vicksburg Street. The tract contains an area of 0.62 acres with approximately 155 feet of street frontage along Wheeler Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3) and Commercial Heavy (C-5).

The characteristics of Residential Multifamily Medium Density (RM-3) are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

The characteristics of Commercial Heavy (C-5) are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

9B

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as a single family residence.

The area to the east is zoned Commercial Heavy (C-5) and is developed as wholesale distribution business.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a contractors shop.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Wheeler Avenue as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Institutional and General Commercial. The Institutional classification is intended to provide for needed community services of both a public and quasi-public nature. The General Commercial classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant has stated that they have an existing concrete drainage on the edge of the property line where the screening would be required. They have also indicated that the neighbor to the north does not want a privacy fence installed. A letter from the property owners is enclosed.

9C

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, March 28, 2017, at 10:00 a.m. No neighboring property owners attended the meeting.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

The existing church is adjacent to a single family residence. However, the proposed fellowship hall is south of the existing church building and is not contiguous to any residential development. The residential property owners to the north of the existing church have indicated they prefer that no privacy fencing is installed because it will block their view. A letter from the property owners is enclosed.

In staff's opinion, approval of the variance will have no impact on the surrounding area.

March 21, 2017

To: Fort Smith City Planning Commission

Re: Wheeler Avenue Church of Christ Variance Application

My residential property adjoins the North boundary line of the existing Wheeler Avenue Church of Christ property.

I request that the Fort Smith City Planning Commission not require the Church to construct a 6' privacy fence along the North Boundary of their existing property. Said fence would obstruct our view toward the South down Wheeler Avenue and of the Church parking lot. We prefer to have a clear view of that area for security and for pleasure.

Your consideration in passing the Variance that the Church has requested is appreciated. Feel free to contact me with any questions or concerns you may have.

Bill H. H. H.
Rita DeLoach

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 5724 Wheeler Ave., Existing or Proposed

Zoning Classification RM3/C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|--|---|--|----------------------------------------------------------|
| | - | | Front Yard Setback or Minimum Distance from Right-of-Way |
| | - | | Exterior Side Yard Setback |
| | - | | Interior Side Yard Setback |
| | - | | Rear Yard Setback |
| | - | | Maximum Height of Structure |
| | - | | Minimum Distance Between Structures on the Same Lot |
| | - | | Minimum Lot Area (Square Feet) |
| | - | | Minimum Lot Frontage |
| | - | | Maximum Size of a Sign |

Other: Section 27-602-4 C-8 Requirement for
a permanent opaque 6' screen fence or landscape buffer adjacent
 The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on residential

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

J T Griffith
Owner or Agent Name *(please print)*

Peggy Adair
Owner

or

479 651 0129
Owner or Agent Phone Number

Agent

1319 Poplar, Van Buren Co
Owner or Agent Mailing Address 72956

Variance # _____

9H

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

91

Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

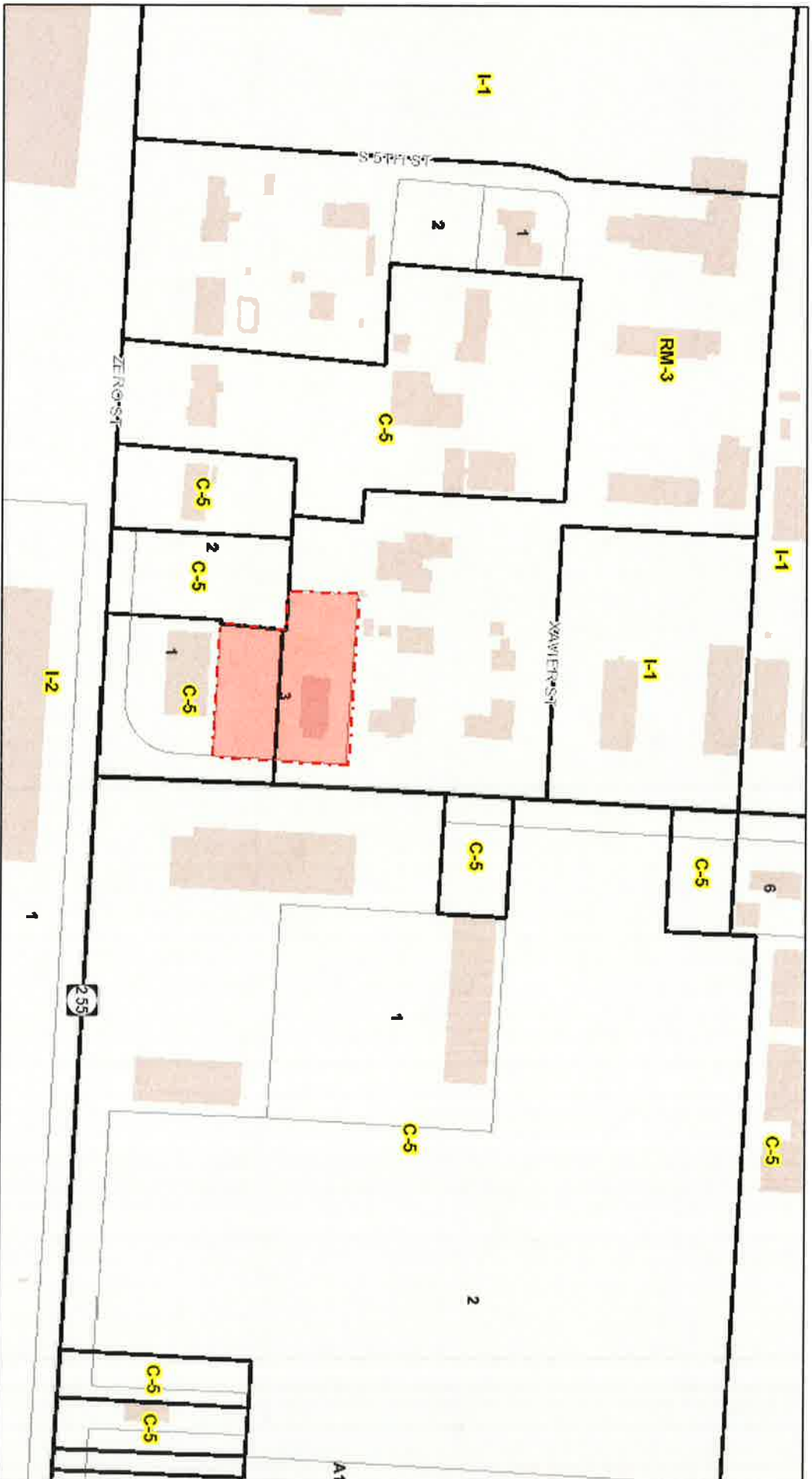
1) Existing concrete drainage is in the location of a required fence.
2) Residential neighbor to North of property does not want the privacy fence installed. (attachment)

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Existing topography drains toward North drainage ditch

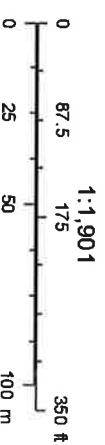
Variance #9-4-17: From Section 27-602-4(C)8; requirements for a permanent opaque 6' screen fence or landscape buffer adjacent to residential at 5724 Wheeler Avenue

✓
6



March 29, 2017

- ☒ Fort Smith City Limits
- ☒ Building Footprints
- ☒ Zoning
- ☒ Parks
- ☐ Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Variance #10-4-17 - A request by Elizabeth Smith, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 0 feet exterior side yard setback at 1518 South 11th Street

REQUESTED VARIANCE

The variance will allow for the applicant to install a new carport in the same location as the existing carport.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the South O Street and South 11th Street intersection. The tract contains an area of 0.2 acres with approximately 55 feet of street frontage along South 11th Street and approximately 140 feet of street frontage along South O Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The areas to the north and west are zoned Transitional (T) and are developed as single family residences.

The area to the east is zoned Transitional (T) and is developed as an indoor pet services.

The area to the south is zoned Industrial Light (I-1) and is developed as a single family residence.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 11th Street and South O Street as local roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant explains that she wants to replace the older carport with a new carport. She also explains that when she purchased the house the carport was already in place.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Friday, March 24th, 2017 at 10:00 a.m. No neighboring property owners attended the meeting.

10B

STAFF COMMENTS

This carport was constructed prior to Ms. Smith owning the home. She would like to replace the carport within the existing footprint.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

100

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 21 day of March, 2017.

Signed:

Elizabeth Smith
Owner or Agent Name (please print)

Elizabeth Smith
Owner

or

479-739-7549
Owner or Agent Phone Number

Agent

1518 811th York Smith, AR
Owner or Agent Mailing Address 72901

Variance # _____

10E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

_____✓

Is this variance needed because of previous actions taken by yourself?

_____✓

Is this variance needed because of previous actions taken by a prior owner?

_____✓

A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?

_____✓

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.

_____✓

Is the lot of an odd or unusual shape?

_____✓

Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?

_____✓

Does the lot contain required easements other than those that might be located on its perimeter?

_____✓

Is any part of the lot in a flood plain or flood way?

_____✓

Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?

_____✓

Is the lot developed with structures in violation of current zoning requirements?

_____✓

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Need to replace current Carport. It is too close to street by present city code.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

I want to replace my existing carport, with a new one. The current carport is not in code with current requirements.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

My driveway was built before I bought this house.

Variance #10-4-17: From 20' to 0' exterior side yard setback 1518 South 11th Street

HO1

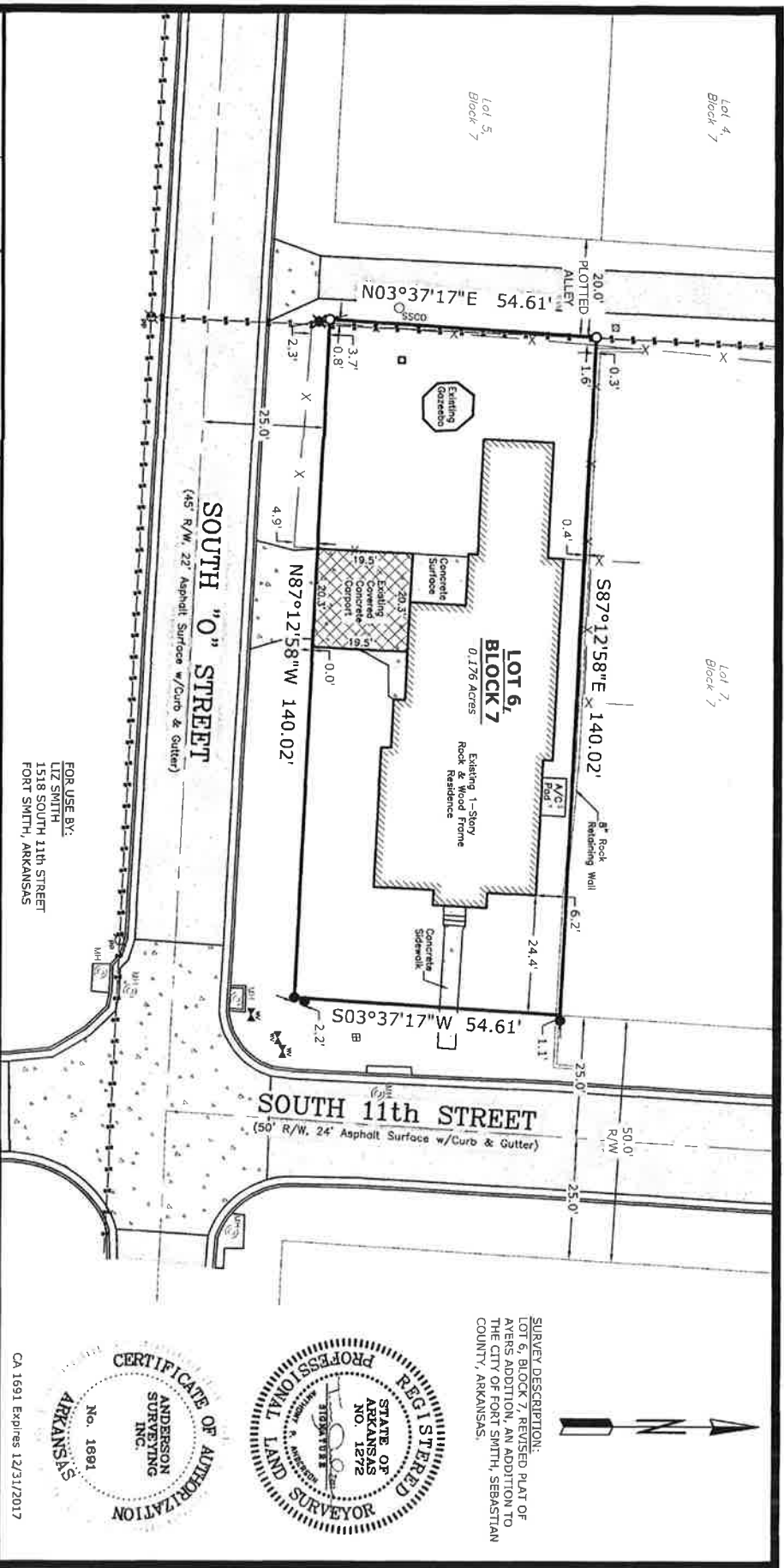


March 22, 2017

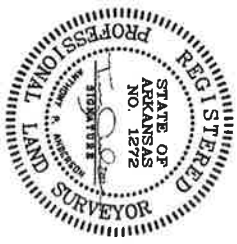
-  Fort Smith City Limits
-  Zoning
-  Subdivisions
-  Building Footprints
-  Parks



101



SURVEY DESCRIPTION:
LOT 6, BLOCK 7, REVISED PLAT OF
AYERS ADDITION, AN ADDITION TO
THE CITY OF FORT SMITH, SEBASTIAN
COUNTY, ARKANSAS.



CA 1691 Expires 12/31/2017

REVISIONS	DATE
ADDED 0' DIM	3/22/2017

LEGEND
○ = SET 1/2" REBAR
● = EXISTING IRON PIN
○ = EXISTING ANGLE IRON
○ = SET NAIL
○ = CLEANOUT
○ = MAN HOLE
○ = WATER METER
○ = WATER VALVE
○ = GAS METER
○ = ELECTRIC/TELEPHONE REESTAL
○ = POWER POLE
○ = OVERHEAD ELECTRIC
○ = BASTING FENCE

SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THE PERSON PLATED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 21st DAY OF MARCH 2017 TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO OBTAIN INTEREST THEREIN BY REFERENCE TO THIS PLAT ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

FOR USE BY:
LIZ SMITH 1518 SOUTH 11th STREET FORT SMITH, ARKANSAS

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF LOT 6, BLOCK 7, REVISED PLAT OF AYERS ADDITION

DATE: 03-21-2017
JOB NO: 17-03-06

SCALE: 1" = 20'
DATE OF BEARINGS: Arkansas State Plane NORTH based on GPS Observation

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma P.O. Box 129 Van Buren, AR 72957 (479)-474-4247 Fax (479)-410-5333 e-mail: andersonsurveying@cox.net

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 3/24/17 1518 S 11TH ST

Meeting Time & Date 10:00 am

Meeting Purpose Variance

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Jim Skel</u>	<u>COFS</u>	<u>784-2211</u>
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			



10K

Memo

To: City Planning Commission

From: Planning Staff

Date: March 28, 2017

Re: Variance #12-4-17 - A request by Industrial Service Company, agent for Mars Petcare U.S. Inc., for Board of Zoning Adjustment consideration of a zoning variance request from 100 feet to 36 feet exterior side yard setback located at 10000 Roberts Blvd.

REQUESTED VARIANCE

The variance will allow for the facility do construct a new equipment room and equalization tank for the processes involved with the manufacturing plant.

LOT LOCATION AND SIZE

The subject property is on the south side of Roberts Blvd. between Chad Colley Blvd and Flagstone Road. The tract contains an area of 40.45 acres with approximately 1436 feet of street frontage along Flagstone Road, 1,500 feet of street frontage along Chad Colley Blvd. and 1200 feet of street frontage along Roberts Blvd.

EXISTING ZONING

The existing zoning on this tract is Industrial Heavy (I-3).
Characteristics of this zone are as follows:

Purpose:

To accommodate a wide variety and intensity of industrial uses, some of which may have significant external impacts. This may include areas of heavy and concentrated fabrication, manufacturing, and industry. The I-3 zoning district requires readily available and adequate public facilities and services, including access to major transportation hubs (rail, river, or highway-interstate). The I-3 zone must be located so as to minimize conflicts with other land uses. Industrial Heavy zoning is appropriate in the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

11A

Conditional Uses:

Pet cemetery, explosives manufacturing, petroleum and coal products, bus station and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1), 27-431(C)3
	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 20 acres	Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 100 feet	
Side Yard on Street Side of Corner Lot - 100 feet	
Side Yard Setback – 50 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Arterial or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Light (I-1) and is undeveloped.

The areas to the east are zoned Industrial Light (I-1) and are developed as graphic packaging and old dominion freight line.

The area to the south is zoned Industrial Moderate (I-2) and is developed as a paper processing plant.

The area to the west is zoned Industrial Light (I-1) and is developed as Umarex.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley and Roberts as Boulevard Streets and Flagstone Road as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Master Land Use Plan classifies the site as Mixed Use: Industrial/Office. This classification is intended to guide appropriate development of non-residential uses with a larger community context, establish strong street presence, and promote parking on the side and rear of the buildings.

11B

APPLICANT HARDSHIP

The applicant states the existing equipment building already encroaches the setback and predates zoning ordinance 28-14 which placed zoning on the property. Due to the flow need, egress locations, and location of the existing building the placement was the most logical location.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

Mars Petcare is expanding their operations with two additional production lines. This creates the need for an expansion of their sewer pre-treatment facility. The building addition and tank will provide the necessary expansion. The new addition and tank are no closer to the property line than the existing building.

Staff recommends approval of the request.

11/10

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Industrial Service Company
Owner or Agent Name (please print)
Greg Bascko - Darin Wilkins

417-831-3459
Owner or Agent Phone Number

P.O. Box 9286 Springfield, MO 65801
Owner or Agent Mailing Address

Owner
or

Agent

Variance # _____

ME

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

- | | | |
|---------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u> </u> | <u> X </u> | Is this variance needed because of previous actions taken by yourself? |
| <u> </u> | <u> X </u> | Is this variance needed because of previous actions taken by a prior owner? |
| <u> </u> | <u> X </u> | A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance? |
| <u> </u> | <u> X </u> | Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page. |
| <u> </u> | <u> X </u> | Is the lot of an odd or unusual shape? |
| <u> </u> | <u> X </u> | Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)? |
| <u> </u> | <u> X </u> | Does the lot contain required easements other than those that might be located on its perimeter? |
| <u> </u> | <u> X </u> | Is any part of the lot in a flood plain or flood way? |
| <u> </u> | <u> X </u> | Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? |
| <u> X </u> | <u> </u> | Is the lot developed with structures in violation of current zoning requirements? |
| <u> X </u> | <u> </u> | Does the lot front any street classified as an arterial or collector on the Master Street Plan? |

11 F

Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

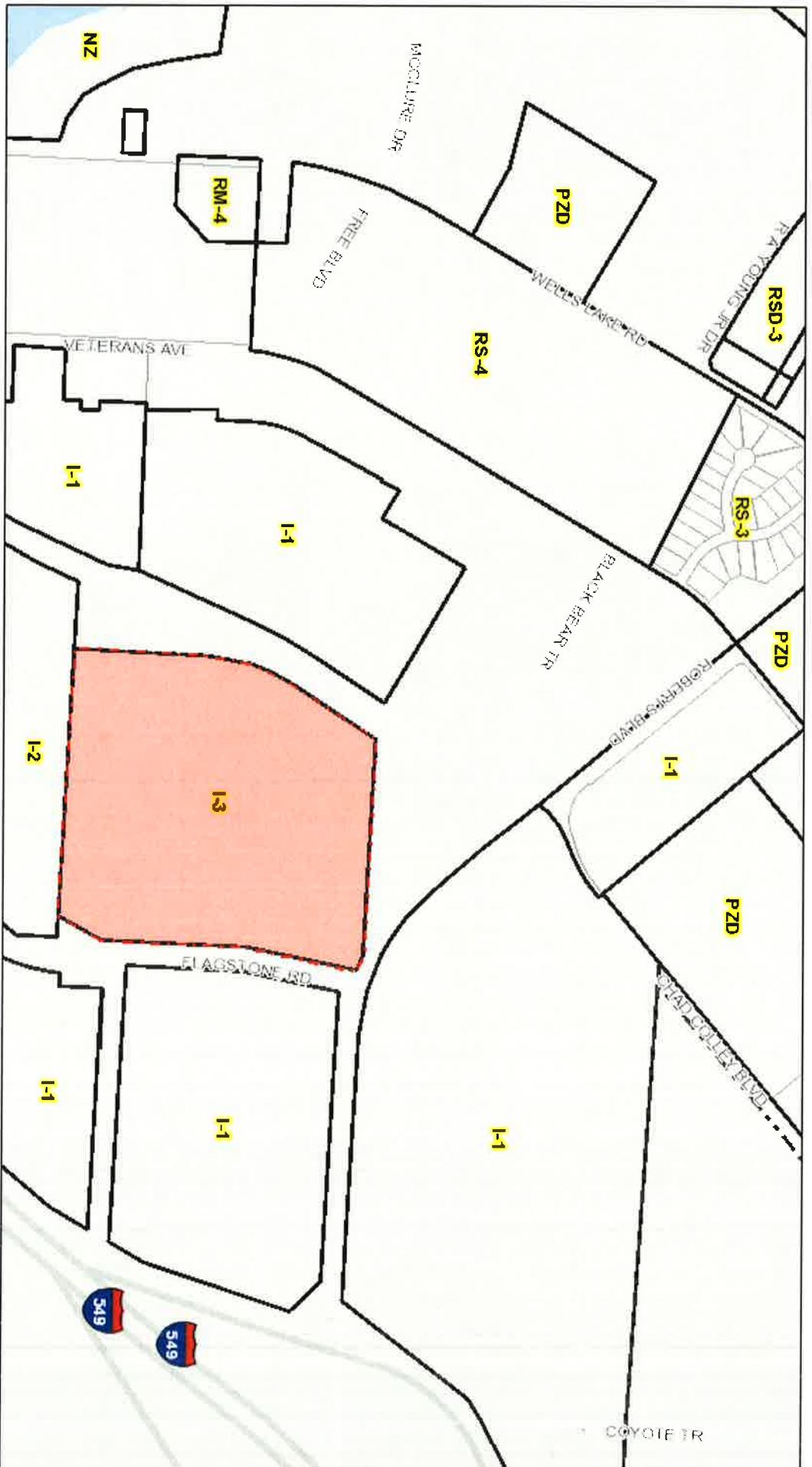
The existing building encroaches the current setbacks due to construction of existing
per-dating current re-zoning ordinance 28-14 to I3 zoning. Due to flow needs and egress
locations of existing building the planned placement of the expansion building is the
most logical.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

None

Variance #12-4-17: From 100' to 36' exterior side yard setback 10000 Roberts Boulevard

111





Legend



Phoenix Metals

Umatex

Mars-Petcare

Graphic Packaging

Old Dominion Freight

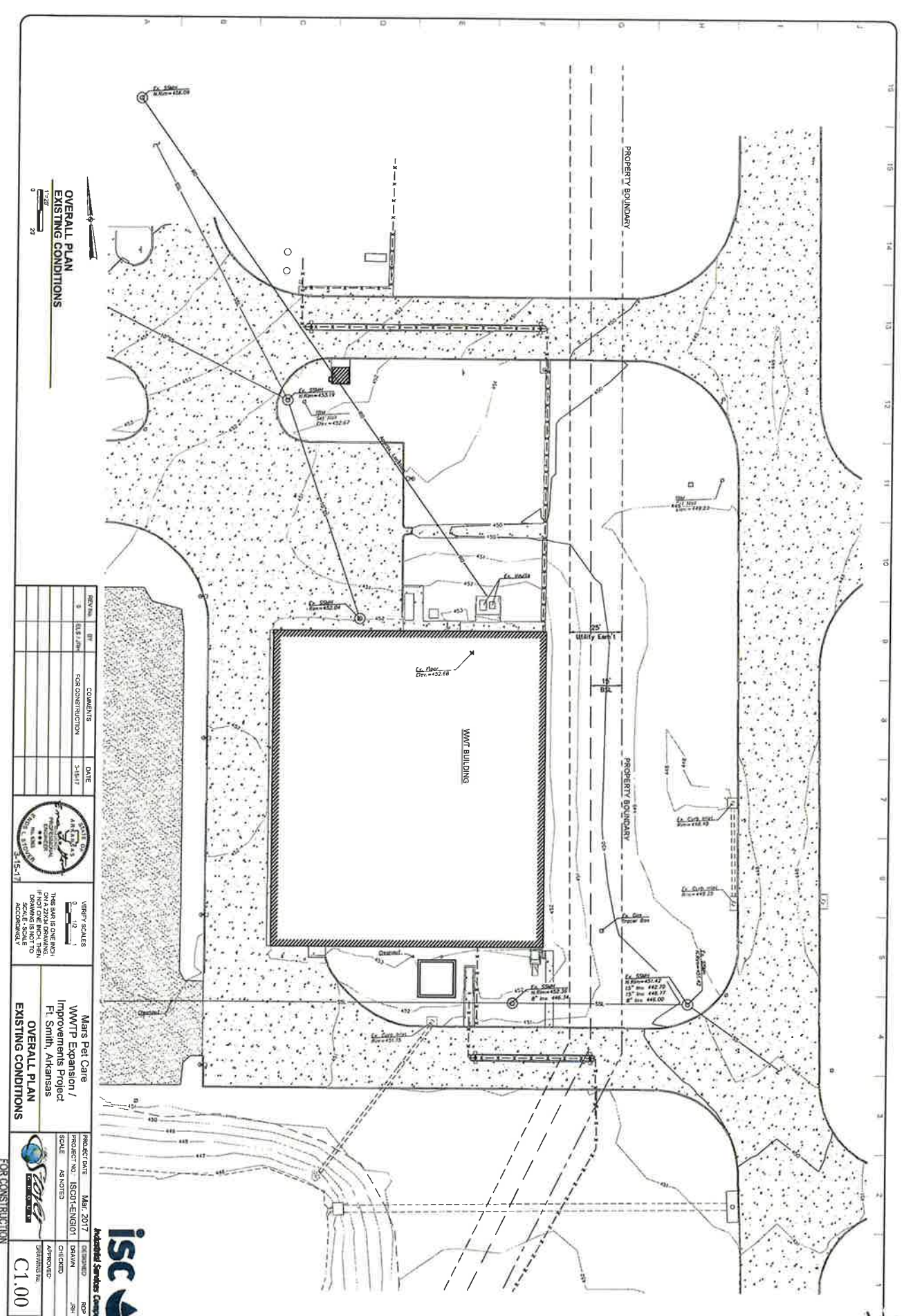
Glatfelter

Google earth

© 2016 Google

2000 ft





OVERALL PLAN
EXISTING CONDITIONS

1"=20'
0 20 40

REV.	BY	DATE	COMMENTS
1	WLS/JMH	3/14/17	FOR CONSTRUCTION



VERIFY SCALES
1"=20'
THIS IS A 2D PLAN
IF NOT ONE INCH, THEN
DATA 2024 DRAWING
SCALE 1"=20' TO
ACCURATELY

Maier Pet Care
WWTP Expansion /
Improvements Project
Ft. Smith, Arkansas
OVERALL PLAN
EXISTING CONDITIONS

PROJECT DATE: Mar. 2017	DESIGNED: ROP
PROJECT NO.: ISCH-ENG-01	DRAWN: JSH
SCALE: AS NOTED	CHECKED:
APPROVED:	DATE: 3/14/17
FOR CONSTRUCTION	C1.00



5

PROPERTY BOUNDARY

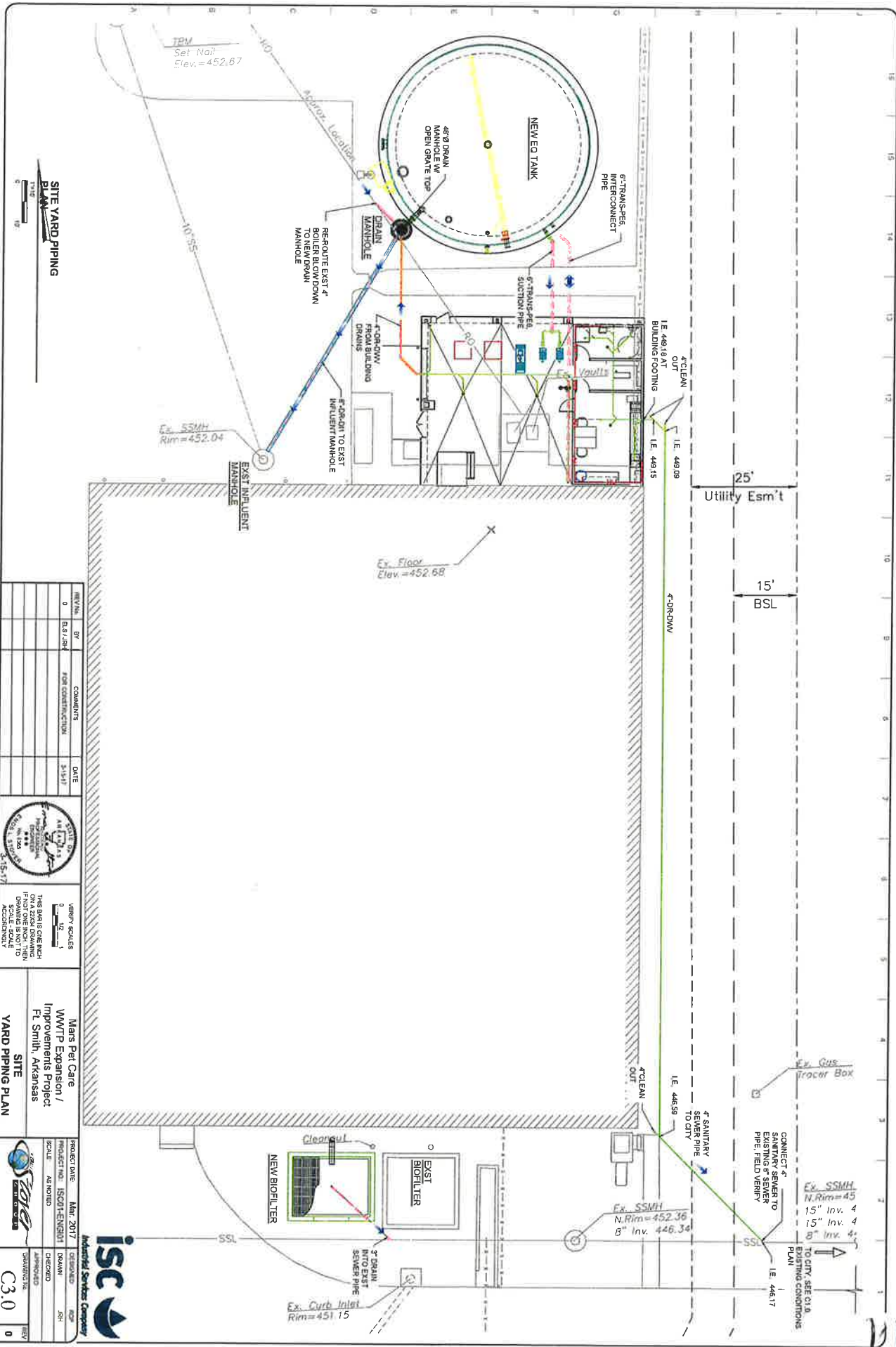


**Mars Pet Care
WVTP Expansion /
Improvements Project**
L. Smith, Arkansas

PROJECT DATE: Mar. 2017		DESIGNED: KCP
PROJECT NO.: ISCOI-ENG010		DRAWN: JAH
SCALE: AS NOTED		CHECKED:
		APPROVED:
DRAWING NO. C2.0		REV: 0

FOR CONSTRUCTION





SITE YARD PIPING

PLAN
1" = 10'

REV	BY	COMMENTS	DATE
0	ELJ/JBH	FROM CONSTRUCTION	3-15-17

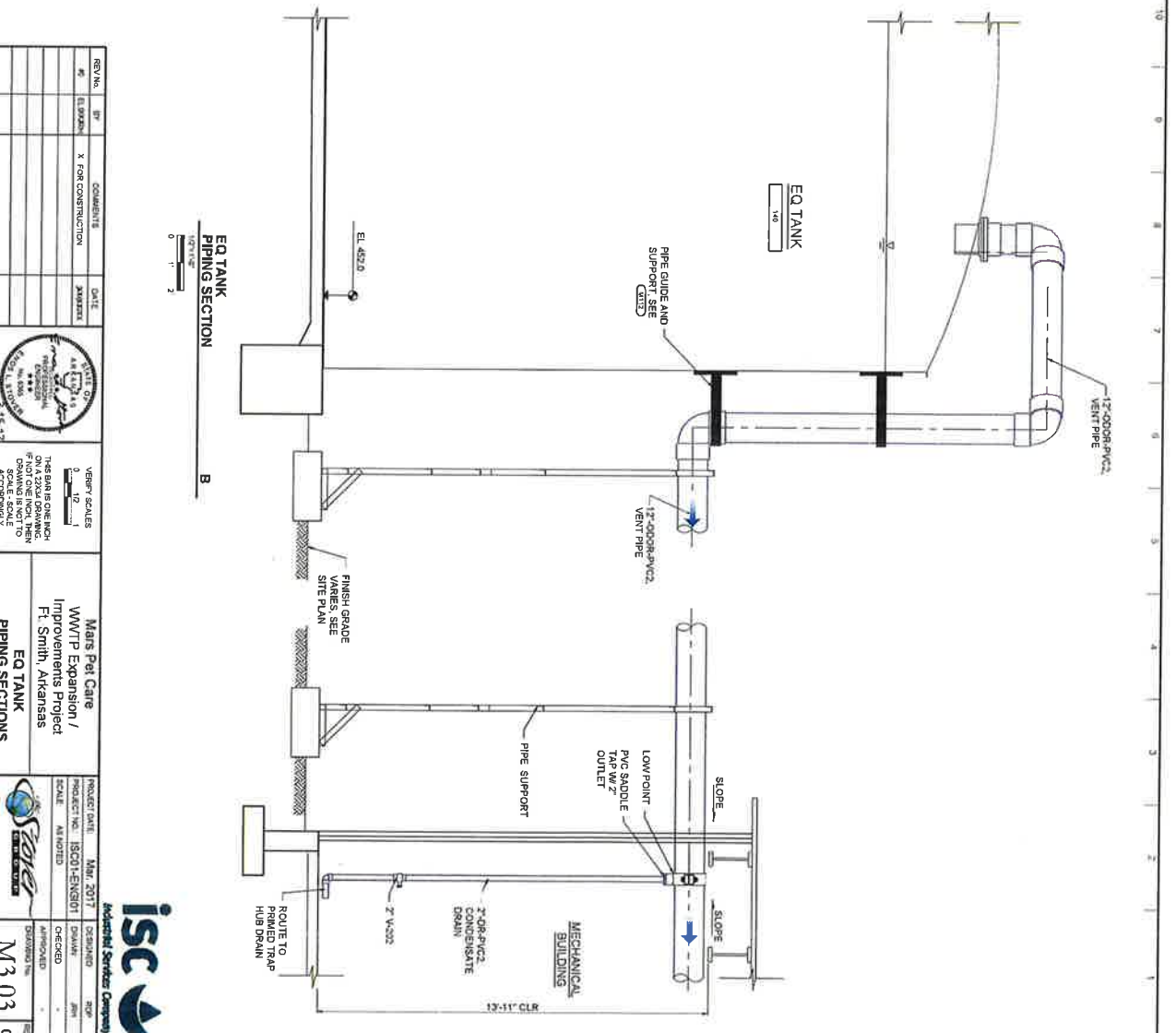
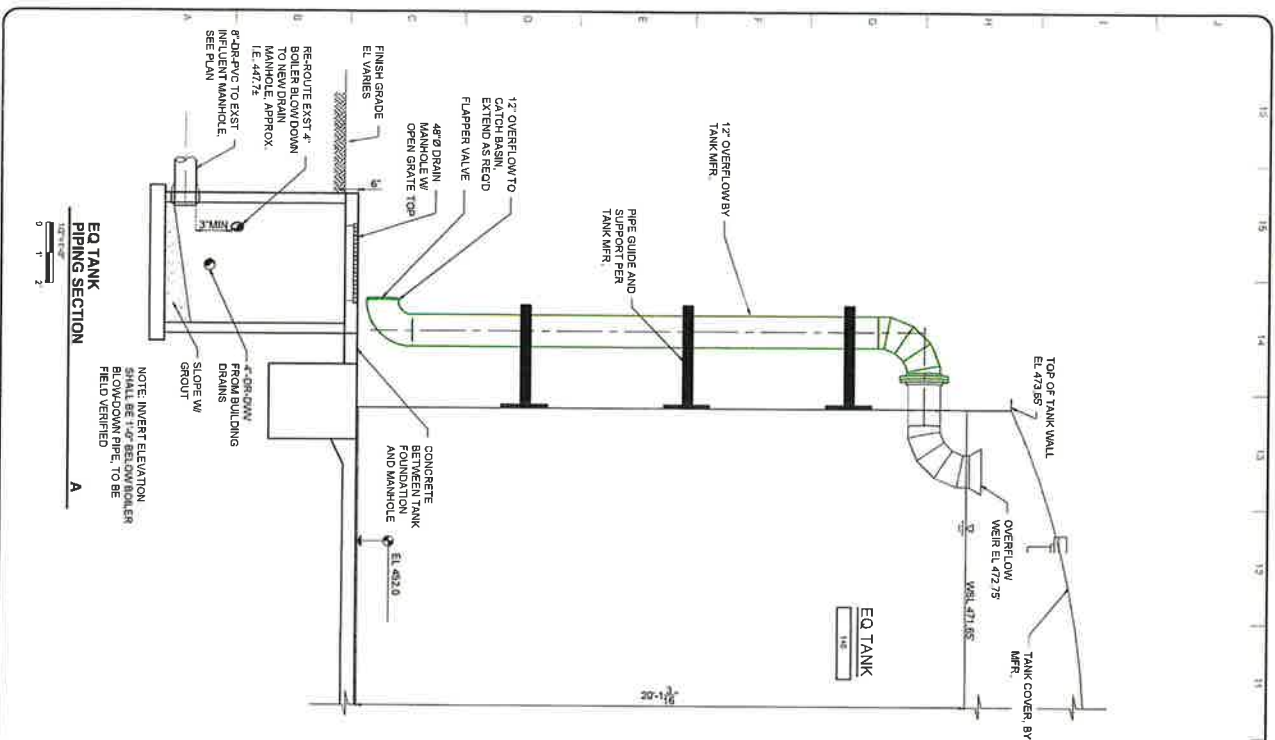
	VERIF. SCALES 0' = 10' 1" = 10' THIS PLAN IS ONE INCH DRAWING IN A 22X34 DRAWING FRAME. SCALE IS NOT TO SCALE. SCALE ADJUSTMENT.
--	--------------------------------------------------------------------------------------------------------------------------------------------------

PROJECT NAME WWP Expansion / Improvements Project Ft. Smith, Arkansas SITE YARD PIPING PLAN	PROJECT DATE Mar 2017 PROJECT NO. ISCA-15-001 SCALE AS NOTED DESIGNED BY JCB CHECKED BY JCB DATE 3-15-17 APPROVED BY JCB DATE 3-15-17 REV C3.0 REV 0
-----------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FOR CONSTRUCTION



P.L.



REV.	BY	DATE	COMMENTS
#6	EL 473.85	X FOR CONSTRUCTION	2/20/2020
#7	EL 472.75		
#8	EL 471.85		
#9	EL 470.85		
#10	EL 469.85		
#11	EL 468.85		
#12	EL 467.85		
#13	EL 466.85		
#14	EL 465.85		
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